CC 3-17-2026

Oral Communications

Written Comments

From:	Jennifer Griffin
To:	City Clerk
Cc:	grenna5000@yahoo.com; City Council
Subject:	Fwd: Retail on West Side of Saich Included in Lost Retail from Panera SB 330?
Date:	Wednesday, March 11, 2026 5:45:28 PM

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

Dear City Clerk:

Please include the following as comments for the Cupertino City Council meeting on March 17, 2026.

Thank you.

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

Subject: Retail on West Side of Saich Included in Lost Retail from Panera SB 330?

From: Jennifer Griffin <grenna5000@yahoo.com>

Sent: Wednesday, March 11, 2026, 5:42 PM

To: citycouncil@cupertino.org,cityclerk@cupertino.org

CC: grenna5000@yahoo.com

Dear City Council:

(Please include the following as public input for the March 17, 2026 Cupertino City Council meeting).

I am concerned that the active, newer retail buildings fronting the west side of Saich Avenue From Stevens Creek Blvd to Alves are going to be lost to the SB 330 housing complex proposed
at Panera/Voyager Coffee.

There are about six new prime retail shops in this area and many are active with retail now. The eyeglass store is active and considered in a class of vital services for seniors and children and
indeed the general public. These buildings are attractive and new with good parking, and it would
be a shame to lose them. The large corner store space at the NW corner of Stevens Creek Blvd and
Saich is in a very prominent, highly visible location and is a prime retail site. It should be saved
As well as the other retail locations.

There is also a large daycare site at the corner of Alves and Saich. Will this be closed also? People
Need daycare etc. in the city.

Please make sure this retail on the West side of Saich is not lost. It is very important to keep Retail like this in our city as we are losing so much valuable retail from the other seven SB 330s
On Stevens Creek Blvd., our traditional shopping corridor.

This is even more critical as the Big Target location on the east side of Saich, south side of Alves
And West side of Bandley is up for sale and may wind up with no retail at all and just housing. There has been a large box retailer in this site since Gemco was there from the 1950s on.

Thank you for being the Retail Champions City Council!

Best regards,

Jennifer Griffin
Third Generation Cupertino Retail Shopping Family

From: Rhoda Fry
To: Public Comments
Cc: City Council
Subject: Oral Communications 3/17/2026 City Council Meeting
Date: Sunday, March 15, 2026 3:04:12 PM
Attachments: 3 - Exhibit 2 - Evacuation_Route_Capacity_Analysis_Oct_2025.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 City Clerk,

Please include attachment in my oral comms.

Thanks, Rhoda Fry

Why did Cupertino not reveal its Evacuation Route Capacity Analysis?
I am very upset to learn that the City of Cupertino has been sitting on evacuation information since last October without sharing it with the Council or us citizens until a week ago. Please find the evacuation information attached that shows McClellan Road being at 2 to 4X capacity. This is a Public Safety issue that should have been shared. Furthermore, this information could have affected the Planning Commissioner's vote on the housing project at Linda Vista. This is so wrong.

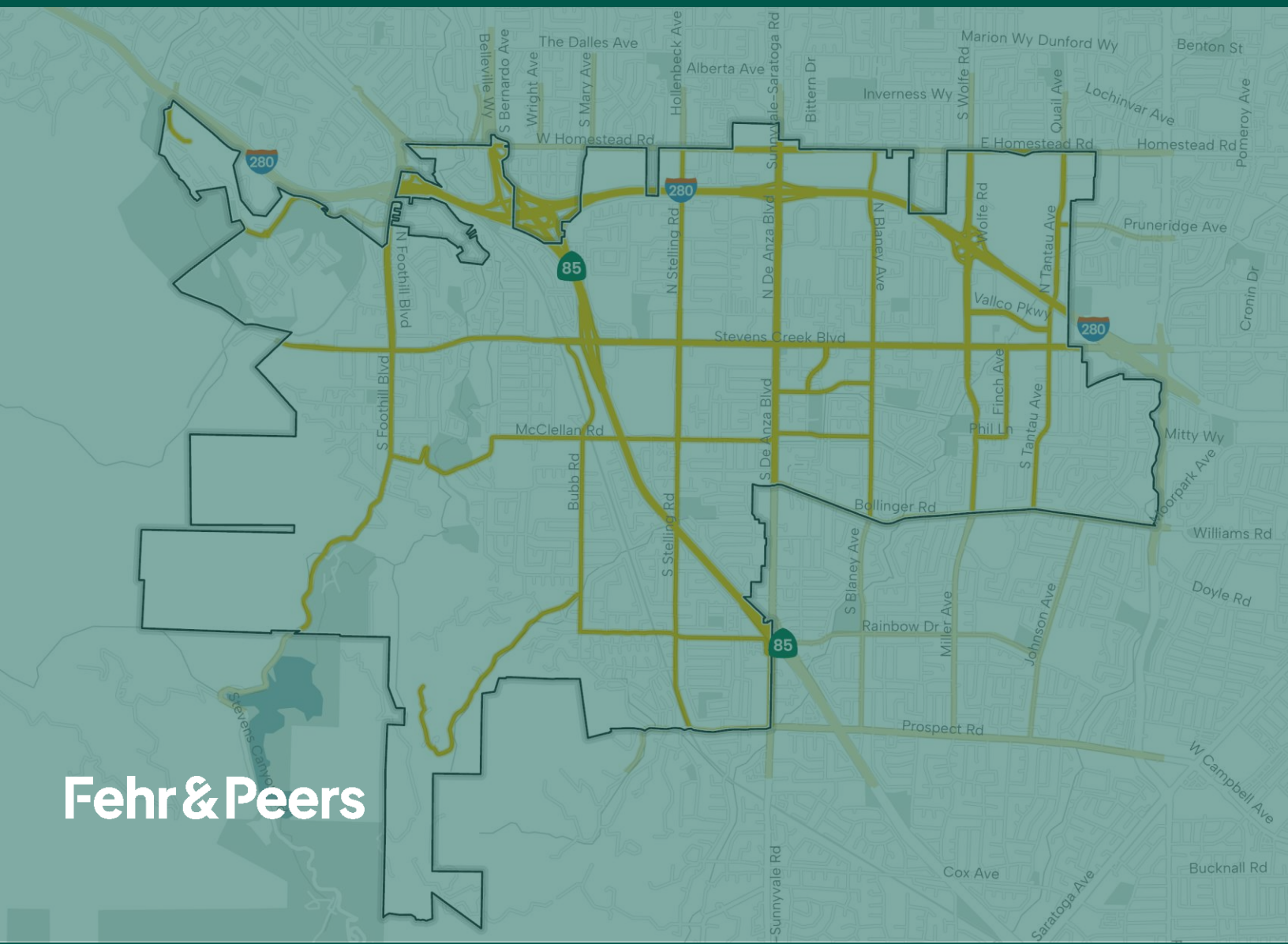
Who put paint on City-owned fences on the Linda Vista trail and left a spray paint can?
Green paint was put on several parts of our city-owned fences. Who did it and when will it be fixed? Furthermore, whoever did this painting, also left a spray-paint can out which posed a public hazard to kids using the trail. I removed the can.

Construction
Marking
Paint

Cupertino Evacuation Route Capacity Assessment

Submitted to:
City of Cupertino

Submitted in:
October 2025



Fehr & Peers

Fehr & Peers

Cupertino Evacuation Route Capacity Assessment

Prepared for:
City of Cupertino

Submitted in:
October 2025

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1. Introduction

The City of Cupertino's comprehensive planning efforts make it appropriate to assess evacuation route capacity while simultaneously updating the General Plan and Emergency Operations Plan.

This assessment provides the City of Cupertino with emergency evacuation event information and is consistent with requirements outlined in Assembly Bill (AB) 747 (2019) and AB 1409 (2021), which specifically require local agencies to evaluate evacuation routes capacity and identify evacuation locations. This supplements the analysis that was prepared for the *Draft Health and Safety Element Update* (March 2025) regarding residential street accessibility to identify parcels in hazard areas with limited egress routes as required by Senate Bill (SB) 99.

1.1 Study Purpose

The following is a summary of the purpose of this evacuation study:

- Identify major evacuation routes and shelter locations/gateways;
- Inform development of evacuation strategies and conduct evacuation route capacity assessment of wildfire evacuation scenarios with other hazards that could limit evacuation route capacity;
- Identify bottlenecks on major evacuation routes based on the evacuation route capacity assessment results;
- Identify evacuation strategies to improve performance of the road network during evacuations; and
- Identify potential future/ongoing efforts for a detailed Evacuation Plan.

1.2 Study Context

This assessment evaluates roadway capacity under certain described scenarios and should not be considered an evacuation plan. Emergency evacuations can be triggered by a number of events, and natural and man-made disasters can be as unpredictable as individual behavior related to evacuation events. As such, this assessment is intended to provide the City of Cupertino with a broad "planning level" assessment of transportation system capacity during worst case evacuation scenarios; it does not provide system adequacy guarantees, nor does it guarantee the findings are applicable to all situations. This assessment will help the City develop policies to prioritize evacuation routes and centers based on the findings of this analysis.

Moreover, because emergency evacuation assessment is an emerging field, there is no established standard methodology. We have utilized existing methods in transportation planning that, in our knowledge and experience, we believe offer the most appropriate planning level understanding of roadway capacity for evacuation events. Nevertheless, such methods are limited by the budgetary and time constraints in our scope of work, by the current state of the practice, and of our knowledge.

The City of Cupertino has requested this study to aid in planning and implementing potential evacuation plans/scenarios. This assessment should help the city be better prepared for those events; however, in no way can Fehr & Peers guarantee the efficacy of the information used in this assessment, as such would be beyond our professional duty and capability.

1.3 Natural Hazards

The *Health and Safety Element Background Report* (July 23, 2025) described the following potential natural hazards. For this assessment, we considered various natural hazards in the preparation of evacuation scenarios. The natural hazards are described

1.3.1 Flood and Inundation Hazards

Flooding is the rising and overflowing of water onto normally dry land. Floods are one of the most frequent natural hazards impacting Santa Clara County and among the costliest natural disasters in terms of human hardship and economic loss nationwide, causing substantial damage to structures, landscapes, and utilities, as well as life-safety issues. Flooding can be extremely dangerous; even six inches of moving water can knock a person over. Floodwaters can transport large objects downstream, damaging or removing stationary structures, such as dam spillways. Ground saturation can result in instability, collapse, or other damage that breaks utility lines and interrupts services. Objects can also be buried or destroyed through sediment deposition from heavy flooding. Standing water can cause damage to roads, foundations, and electrical circuits, as well as spread vector-borne illnesses. Other problems connected with flooding and stormwater runoff include erosion, degradation of water quality, and losses of environmental resources.

Floods are usually caused by large amounts of stormwater, either from a period of very intense rainfall or a long period of steady rain. Historically, Cupertino has been at risk of flooding primarily during the winter and spring when stream systems swell with heavy rain. This type of flood results from prolonged, heavy rainfall and typically occurs due to high peak flows of moderate duration and a large volume of runoff. Flooding is more severe when prior rainfall has saturated the ground. The watersheds in the Santa Cruz Mountains feed into four major streambeds that traverse the city, Permanente Creek, Stevens Creek, Regnart Creek, and Calabazas Creek. These creeks collect surface runoff and drain into channels leading to the San Francisco Bay. During heavy rainfall, these creeks create a potential flooding risk in the city as water levels may exceed the top of the creekbank.

Occasionally, flash flooding from short-duration, high-intensity precipitation events (often during atmospheric river events) may occur. Atmospheric rivers are a relatively common weather pattern that brings southwest winds and heavy rain to California. Atmospheric rivers are long, narrow regions in the atmosphere that transport water vapor carried away from the tropics. These columns of vapor move with the weather, carrying large amounts of water vapor and strong winds. When the atmospheric rivers make landfall, they often release this water vapor in the form of rain or snow, often causing heavy rains that can lead to flooding and mudslide events. Flash floods can occur even during a drought. Such events can tear out trees, undermine buildings and bridges, and scour creek channels. In urban areas, flash flooding is an increasingly serious problem due to removing vegetation and replacing groundcover with impermeable surfaces such as roads, driveways, and parking lots. The greatest risk from flash floods is occurrence with little to no warning.

1.3.1.1 Dam and Pipeline Failure

A dam failure is an uncontrolled release of water from a reservoir through a dam because of structural failures or deficiencies in the dam, usually associated with intense rainfall or prolonged flooding. Water pipeline or aqueduct failures can create a similar sudden flood. Dam and pipeline failures can range from minor to catastrophic, potentially harming human life and property downstream from the failure. In addition, ecosystems and habitats can be destroyed by fast-moving floodwaters, debris,

and sedimentation from inundation. Although dam and pipeline failures are very rare, these events are not unprecedented. There are four major causes of failures:

- **Overtopping**: These failures occur when a reservoir fills too high with water, especially in times of heavy rainfall, leaving water to rush over the top of the dam. Other causes of this type of failure include settling of the crest of the dam or spillway blockage.
- **Foundation defects**: These failures occur as a result of settling in the foundation of the dam, instability of slopes surrounding the dam, uplift pressures, and seepage around the foundation. All these failures result in structural instability and potential dam failure.
- **Piping and seepage failures**: These failures occur as a result of internal erosion caused by seepage and erosion along hydraulic structures, such as the spillways of a dam, or failures in the walls of a water pipeline. Animal burrows and cracks in the dam structure may also cause erosion.
- **Conduit and valve failure**: These failures occur as a result of problems with valves and conduits in a dam or pipeline's systems.

Many dam and pipeline failures are also the secondary result of other natural disasters, such as earthquakes, landslides, and extreme storms. Other causes include equipment malfunction, structural damage, and sabotage. Dams are constructed with safety features known as "spillways" that allow water to overtop the dam if the reservoir fills too quickly. Spillway overflow events, often referred to as "design failures", result in increased discharges downstream and increased flooding potential. In a dam failure scenario, the greatest threat to life and property typically occurs in those areas immediately below the dam since flood depths and discharges generally decrease as the flood wave moves downstream. The primary danger associated with dam failure is the high-velocity flooding downstream of the dam and limited warning times for evacuation.

1.3.2 Seismic And Geologic Hazards

Seismic and geologic hazards are risks caused by the movement of different parts of the earth's crust or surface. Seismic hazards include earthquakes and hazardous events caused by them. Geologic hazards are other hazards involving land movements that are not linked to seismic activity and can inflict harm to people or property. Additional information about seismic and geologic hazards in Cupertino, including development review coordination is in General Plan Appendix E, Geologic and Seismic Hazards.

1.3.2.1 Seismic Hazards

Seismic activity occurs along boundaries in the earth's crust, called faults. Pressure along the faults builds over time and is ultimately released, resulting in ground shaking commonly referred to as an earthquake. Earthquakes can also trigger other hazards, including surface rupture (cracks in the ground surface), liquefaction (causing loose soil to lose its strength), landslides, and subsidence (sinking of the ground surface). Earthquakes and other seismic hazards often damage or destroy property and public infrastructure, including utility lines, and falling objects or structures pose a risk of injury or death.

1.3.2.1.1 EARTHQUAKES

While Cupertino is at risk from many natural and human-caused hazards, the event with the greatest potential for loss of life or property and economic damage is an earthquake. This risk is true for most of the San Francisco Bay Area region since damaging earthquakes affect widespread areas and trigger many secondary effects that can overwhelm the ability of local jurisdictions to respond.

Earthquakes in the Bay Area result from strain energy constantly accumulating across the region because of the motion of the Pacific Plate, relative to the North American Plate.

Earthquake risk is very high in Santa Clara County, including the City of Cupertino, due to the presence of three major active faults[1] in the region, the Hayward Fault, Calaveras Fault, and San Andreas Fault. Both the San Andreas and the Hayward Faults have the potential for experiencing major to great events.

1.3.2.1.2 OTHER SEISMIC HAZARDS

In addition to the direct physical damage that can result from the motion of an earthquake, damage can result from liquefaction. Liquefaction occurs primarily in saturated, loose, fine- to medium-grained soils in areas where the groundwater table is within approximately 50 feet of the surface. Shaking causes the soils to lose strength and behave as a liquid. Excess water pressure is vented upward through fissures and soil cracks and can result in a water-soil slurry flowing onto the ground surface. This subsurface process can lead to near-surface or surface ground failure that can result in property damage and structural failure. Groundwater that is less than 10 feet to the surface can cause the highest liquefaction susceptibility, with lower groundwater levels causing lower liquefaction risks.

1.3.2.2 Geologic Hazards

Landslides and rock falls may occur in sloped areas, especially areas with steep slopes, and usually in loose and fragmented soil areas. Slope stability depends on many factors and interrelationships, including rock type, pore water pressure, slope steepness, and natural or human-made undercutting. Landslides, rockfalls, and debris flows occur continuously on all slopes; some processes act very slowly, while others occur very suddenly, often with disastrous results.

Landslides are often triggered by other natural hazards, such as heavy rain, floods, or wildfires, so landslide frequency is often related to the frequency of these other hazards. In Santa Clara County, landslides typically occur during and after severe heavy rainfall, so the risk of landslides often rises during and after sequential severe storms that saturate steep, loose soils. Landslides and mudslides are a common occurrence and have caused damage to homes, public facilities, roads, parks, and sewer lines.

1.3.3 Fire Hazards

Fire hazards include both wildfires and urban fires. The combination of complex terrain, climate, vegetation and development patterns contribute to an elevated risk of wildfire. The Community Wildfire Protection Plan 2023 (CWPP) describes how each of these variables contributes to fire risk, and describes how fire risk varies throughout the city. Historically, the fire season extended from early summer through late fall of each year during the hotter, dryer months, although it is increasingly a hazard that can occur year-round. Fire conditions arise from a combination of high temperatures, low moisture content in the air and plant matter, an accumulation of vegetation, and high winds.

Three types of fires are of concern to Cupertino: (1) wildfires, (2) wildland-urban interface fires, and (3) structural fires.

[1] Active faults are defined by their current movement and deformation and their potential to cause earthquakes or other types of ground deformation in the future.

1.3.3.1 Wildfires

Wildfires occur on mountains, hillsides, and grasslands. Fuel, weather, and topography are primary factors that affect how wildland fires spread. In and around Cupertino, grassland and woodland habitat provide highly flammable fuel that is conducive to wildfires. These plant species are capable of regeneration after a fire, making periodic wildfires a natural part of the ecology of these areas. The climate of Cupertino and the surrounding area keeps the grass dry and more readily combustible during fire season.

Wildfire potential for Santa Clara County is typically greatest in the months of August, September, and October, when dry vegetation coexists with hot, dry winds. During these times, controlling a fire becomes far more difficult. Areas adjacent to the city that are susceptible to wildfires are also of concern as these conditions could exacerbate vulnerabilities within the city. Grassland fires are easily ignited, particularly in dry seasons. These fires are relatively easily controlled if they can be reached by fire equipment, although after a fire, the burned slopes are highly subject to erosion and gullying. While brushlands are naturally adapted to frequent light fires, fire suppression in recent decades has resulted in heavy fuel accumulation on the ground. Wildland fires, particularly near the end of the dry season, tend to burn fast and very hot, threatening homes and leading to serious destruction of vegetative cover. In woodland and forested areas, a wildland fire can generate a destructive crown fire, which is a fire that burns materials at the top of trees, spreading from treetop to treetop. They can be very intense and difficult to contain.

Because areas of the city with natural vegetation are extremely flammable during late summer and fall, wildfire is a serious hazard in undeveloped hillside areas in the western portion of the city, as well as open space areas adjacent to the city. These areas include State Responsibility Area (SRA) lands west of the city, such as the Rancho San Antonio Open Space, Picchette Ranch Open Space, Stevens Creek County Park, Saratoga Creek County Park, Sanborn County Park, Fremont Older Open Space, as well as Local Responsibility Area (LRA) lands in the hillsides of Saratoga.

1.3.4 Hazardous Waste And Materials

Hazardous materials are materials that pose a significant risk to public safety, or human and environmental health. These include toxic chemicals, flammable or corrosive materials, petroleum products, and unstable or dangerously reactive materials. They can be released through human error, malfunctioning or broken equipment, or as an indirect consequence of other emergencies (e.g., if a flood damages a hazardous material storage tank). Hazardous materials can also be released accidentally during transportation because of vehicle accidents.

The release or spill of bulk hazardous materials could result in fire, explosion, toxic cloud, or direct contamination of water, people, and property. The effects may involve a local site or many square miles. Health problems may be immediate, such as corrosive effects on the skin and lungs, or gradual, such as the development of cancer from a carcinogen. Property damage could range from immediate destruction by explosion to permanent contamination by a persistent hazardous material. Most hazardous materials in the region are transported on truck routes along major roadways, such as I-280 and SR-85 that pass through Cupertino. The most vulnerable areas along this route are considered the on-/off-ramps and interchanges. Since 1970, one reported roadway hazardous materials incident occurred in Cupertino.

2. Background

2.1 Legislative Requirements

Assembly Bill (AB) 747 (2019) and AB 1409 (2021) both mandate local jurisdictions to update their safety elements to include comprehensive evacuation planning.

- **AB 747 (2019)** adds California Government Code Section 65302.15, which requires the safety element to be reviewed and updated, upon the next update of a local hazard mitigation plan (LHMP) after January 1, 2022, to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios.[2]
- **AB 1409 (2021)** adds evacuation locations to Section 65302.15 of the California Government Code and requires the safety element to be reviewed and updated to identify evacuation locations.

Accordingly, this report considers:

- **Identification of Evacuation Routes**: The study identifies all evacuation routes and assesses their capacity, safety, and viability under various emergency scenarios.
- **Capacity Assessment**: The study evaluates the capacity of evacuation routes to handle the expected volume of traffic and evacuees during an emergency.
- **Safety and Viability**: The study considers the safety and viability of the identified routes and centers for use during emergencies.
- **Mapping Evacuation Gateways**: This involves mapping evacuation centers and shelters and/or shortest path to evacuation gateways to ensure they are accessible and adequately equipped.
- **Policy Development**: Policies to prioritize evacuation routes and centers based on the findings.
- **Integration with Local Hazard Mitigation Plans (LHMP)**: Updates to the *Health and Safety Element* should be coordinated with the existing LHMP or other relevant emergency planning documents to ensure consistency and alignment.

2.2 Emergency Planning in Cupertino

This City of Cupertino maintains and publishes several emergency planning documents:[3]

> The **Emergency Operations Plan (2019)**[4] provides guidance on the City's response to the most likely and demanding emergency conditions. It outlines the incident management structure, legal compliance, whole community engagement, continuity of government, and other critical components.

[2] The City of Cupertino participated in the Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan which was approved by FEMA in February 2024 which triggered compliance with this requirement.
[3] https://www.cupertino.gov/files/assets/city/v/1/your-city/documents
[4] https://www.cupertino.gov/files/assets/city/v/1/your-city/documents/cupertino-emergency-operations-plan.pdf. Accessed August 28, 2025.

The **Health and Safety Element (last amended in 2005, with minor edits in 2015)**[5], a Chapter in the General Plan, describes local hazards and mitigation measures. It identifies that people in the foothills and mountains of Cupertino's planning area, covering approximately 16 square miles, are most at risk from fire. The City is currently updating the *Health and Safety Element*. The *Health and Safety Element Update* lists the following policies to prepare for and respond to disasters and emergencies:

- Policy HS-2.1: Building And Fire Code Compliance
- Policy HS-2.2: Promote Emergency Preparedness
- Policy HS-2.3: Emergency Operations And Training
- Policy HS-2.4: Volunteer Groups
- Policy HS-2.5: Emergency Public Information
- Policy HS-2.6: Fire Prevention And Emergency Preparedness
- Policy HS-2.7: Hazard Preparedness
- Policy HS-2.8: Educational And Outreach Materials
- Policy HS-2.9: Poor Air Quality Event Assistance
- Policy HS-2.10: Disaster Medical Response
- Policy HS-2.11: Evacuation Routes
- Policy HS-2.12: Evacuation Awareness
- Policy HS-2.13: Ingress And Egress
- Policy HS-2.14: Secondary Ingress And Egress.
- Policy HS-2.15: Emergency Access

The City's **Local Hazard Mitigation Plan (LHMP) (February 21, 2024)**[6] is an annex to the Santa Clara County Multijurisdictional Hazard Mitigation Plan. It assesses potential hazard risks as well as mitigation measures to prevent loss of life, injury, and property damage. It identifies earthquake, severe weather, flood, landslide, and wildfire as hazards of greatest concern. In the LHMP, Table 17 lists the actions that comprise the City's hazard mitigation action plan.

The **Community Wildfire Protection Plan (CWPP) (2023)**[7] describes projects from the Santa Clara County CWPP (2023). These plans are required to be updated every five years to remain eligible for funding implementation projects through the Fire Safe Councils and CAL FIRE.

[5] https://www.cupertino.gov/files/assets/city/v/1/your-city/documents/gp-chap-06-health.pdf. Accessed August 28, 2025.
[6] https://oem.santaclaracounty.gov/multi-jurisdictional-hazard-mitigation-plan-mjhmp. Accessed October 24, 2025.
[7] https://www.sccfd.org/santa-clara-county-community-wildfire-protection-plan/. Accessed October 24, 2025.

3. Approach and Methods

This analysis focuses on the transportation system capacity during a wildfire evacuation event. The following flow chart illustrates the steps in the process.

3.1 Identify the Evacuation Scenarios

Fehr & Peers, City of Cupertino staff, the Santa Clara County Fire Department, and the Santa Clara County Sherriff's Office worked together to identify the hazard of highest concern for this assessment (wildfires in the Fire Hazard Severity Zone (FHSZ)) and three evacuation scenarios. In developing the evacuation scenarios, all hazards identified in **Section 1.3** were considered. The defined evacuation scenarios represent hazards with the greatest potential to generate the largest number of vehicles requiring evacuation. Consideration was given to wildfire vulnerability, as well as access limitations that may occur due to compounding hazards such as a landslide or flood damage along an evacuation route.

Table 1 defines the evacuation scenarios. **Scenarios A to C** reflect Existing Conditions in year 2025. This assessment conducted baseline analysis using existing socioeconomic conditions to establish current evacuation performance and identify potential constraints under present-day conditions. This provides a foundation for evaluating how future growth could affect evacuation route capacities. When considering cumulative conditions with projected buildout, increased evacuation population would likely exacerbate bottlenecks identified in the baseline analysis.

These scenarios assume no evacuation population will "shelter in place" within the hazard area or evacuation area. Instead, these scenarios evaluate evacuation from the evacuation area using the shortest path.

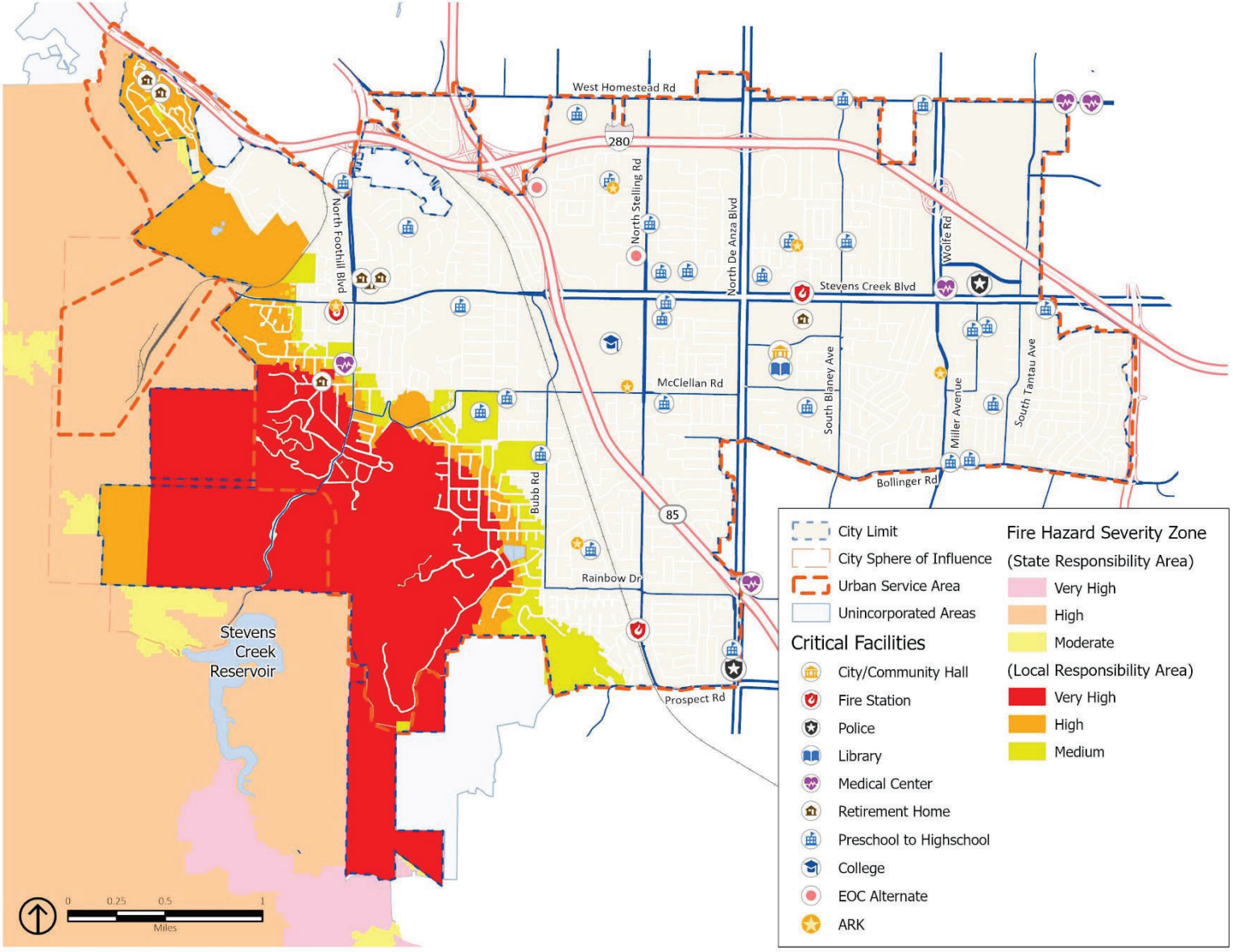
- **Scenario A** was assessed quantitatively. It assumes a wildfire-triggered evacuation within the evacuation area at 2 PM on a school day. All roadways are assumed to be accessible to evacuees, which include residents, employees, students, and visitors.
- **Scenario B** was assessed quantitatively. It assumes a wildfire-triggered evacuation following an earthquake at 6 AM, during a time when schools are not in session. McClellan Road at Club House Lane near the Deep Cliff Golf Course is assumed to be closed. Evacuees include residents and a small portion of employees.
- **Scenario C** was assessed qualitatively. It is based on **Scenario A** by assuming the same evacuation demand, but with additional roadway closures on Stevens Creek Boulevard at SR-85 and SR-85 Southbound Ramps at Stevens Creek Boulevard because of an earthquake causing the wildfire.

Table 1: Scenario Definitions

	Scenario A (Quantitative)	Scenario B (Quantitative)	Scenario C (Qualitative)
Hazard Type(s)	Wildfire	Wildfire after Earthquake	Wildfire after Earthquake
Scale of Emergency	Evacuation Area[1]	Evacuation Area[1]	Evacuation Area[1]
Time of Event	Fall 2 PM (School in session)	Summer 6 AM (School not in session)	Fall 2 PM (School in session)
Road Closures due to Hazard	All roadways open	McClellan Road at Club House Lane near the Deep Cliff Golf Course due to earthquake	• Stevens Creek Boulevard at SR-85 • SR-85 Southbound Ramps at Stevens Creek Boulevard
Type of Evacuees	Residents, employees, students, visitors	Residents, small portion of employees	Residents, employees, students, visitors

Notes:
1. The boundary of evacuation area is defined as the Genasys Protect zones within the fire hazard severity zone (FHSZ) lands in the western portions of the City and homes within the foothills of the Santa Cruz Mountains, shown in **Figure 1**.

Source: Fehr & Peers, 2025.



Source: City of Cupertino, 2023; Cal FIRE, 2022

Data Source: Health and Safety Element Background Report, July 23, 2025

FIGURE 1

Fire Hazard Severity Zones

3.2 Define the Evacuation Area

According to the Cupertino Municipal Code Chapter 16.74.020, "Wildland-Urban Interface (WUI) or Wildland-Urban Interface Fire Area (WUIFA) mean a geographical area identified by the state as a Fire Hazard Severity Zone in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires". The evacuation area is defined as the Genasys Protect[8] zones within the WUI, or the moderate to very high FHSZ in Cupertino. **Figure 1** illustrates the fire hazard severity zones included in the *Health and Safety Element Background Report*.

The safe area is established at SR-85 and I-280 and serves as the evacuation gateway, representing the boundary beyond which evacuees are considered to have exited the evacuation area, and are therefore no longer at immediate risk.

3.3 Define Evacuation Routes

This analysis uses the evacuation routes provided by the City of Cupertino in August 2025, developed as part of the City's ongoing effort to update its *Health and Safety Element*. The evacuation routes for the City of Cupertino and surrounding unincorporated areas are used to transport evacuees using their own vehicle and transit dependent evacuees to temporary shelter. This analysis assumes that routes that provide the most direct path to evacuate the community with the least exposure to risk will be used by evacuees. The major evacuation routes consider the location of critical facilities (i.e., safety and security, health and medical, and communications) as well as residential, employment, school, and recreational uses. **Figure 2** shows the evacuation routes provided by the City.

3.4 Estimate Vehicle Trips

The number of evacuation vehicle trips assigned to the roadway network are a combination of trips generated by residential households, employee trips, student trips, and visitor trips at the time of the evacuation. These trips include those generated by uses in the City as well as surrounding unincorporated areas including PG&E Trailhead, McClellan Ranch Preserve, Stevens Creek County Park, and Fremont Older Open Space Preserve.

Trips generated by residential households were informed by the most recent available data from the US Census Bureau and the California Department of Finance. This includes data on population, the number of households, persons per household, and vehicles per household. This data was cross-referenced with data in the Genasys Protect platform's designated evacuation zones. The household data was then used to estimate evacuation vehicle trips based on the number of households, persons per household, auto-ownership information, population, and other factors that could affect the number of vehicles per household used during an evacuation event.

[8] Genasys Protect is an evacuation management tool that helps communities and first responders plan, communicate, and conduct evacuations. It provides communications, situational awareness, and cross-agency coordination capabilities for emergency management. The platform delivers integrated hardware and software for proactive preparedness and multi-channel communication.

Table 2 describes data sources and equations used to estimate vehicle evacuation demand for residents, employees, students, and visitors. Data sources reviewed for this assessment include the 2023 American Community Survey (ACS) 5-year Estimates, Genasys Protect, Santa Clara Countywide VMT Estimation Tool, and the adopted Housing Element. These sources provide population, household, and employment estimates that are within a similar range.

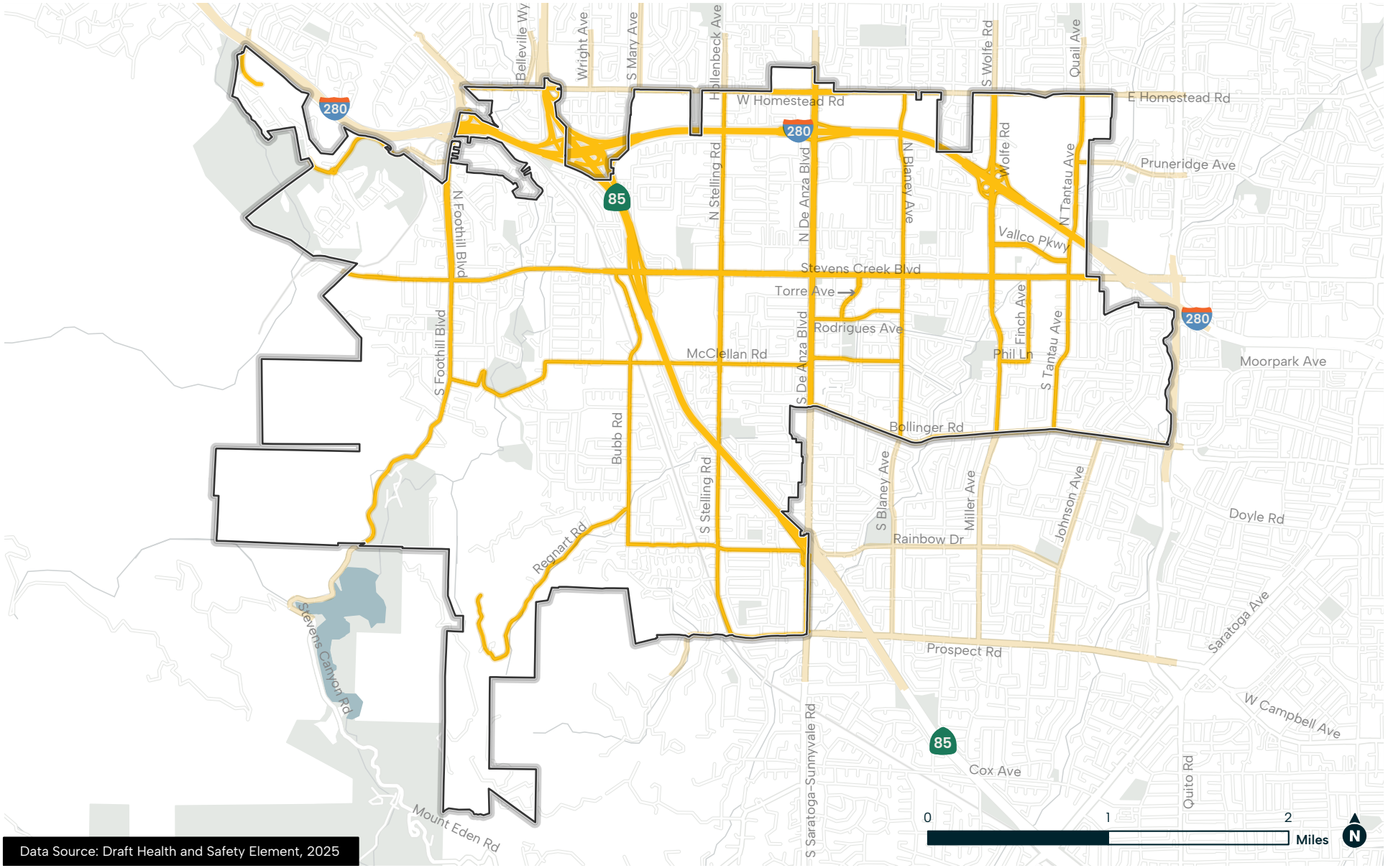


FIGURE 2

Evacuation Routes

Fehr & Peers

Table 2: Vehicle Demand Calculations in the Evacuation Area

Evacuation Demand Variable	Data Source	Equation
1. Employment	Santa Clara Countywide VMT Estimation Tool	Data source provided value.
2. Residential Population	Genasys Protect*	Data source provided value.
3. Household	Genasys Protect*	Population / Household size
4. Household Vehicle Ownership Distribution	Census Tract	Number of households with 0, 1, 2, or 3+ vehicles / Total household
5. Household Vehicle Ownership	Steps 4 & 5	Household vehicle ownership distribution * Household
6. Student	Education Data Partnership	Data source provided value[1]
7. Visitor	Parking Spaces Available from Google Maps	Portion of parking spaces occupied[2]
8. Estimated Vehicle Evacuation Demand	Steps 1 & 6	Residents: 1 * zero-vehicle household + 1 * one-vehicle household + 2 * two-vehicle household + 2.5 * three-or-more vehicle household
		Employees: 0.99 * employment
		Students: 1 * drive-alone student + 0.5 * carpooling student + 1 * student picked up/dropped off
		Visitors: 0.5 * visitor

Notes: Raw data is presented in **Appendix A**.

1. Educational Data Partnership shows school enrollment data for the following schools considered in the evacuation area: Abraham Lincoln Elementary School, Tessellations Elementary School, John F Kennedy Middle School, and Monta Vista High School.
2. Visitor presence considered at recreational attractions located within the evacuation area: PG&E Trailhead (50% of the Rancho San Antonio County Park parking spaces), Deep Cliff Golf Course (20% of the Linda Vista Park parking spaces), Rim Trail (45% of the Stevens Creek County Park Chestnut and Villa Maria parking lots), and Parker Ranch Trailhead (40% of the Fremont Older Open Space Preserve Prospect and Saratoga Country Club parking spaces).

Source: 2023 American Community Survey (ACS) 5-year Estimates; Genasys Protect; Santa Clara Countywide VMT Estimation Tool; Educational Data Partnership; and Google Maps, Fehr & Peers, 2025.

3.5 Assign Vehicle Trips

The total resident, employee, student, and visitor evacuation trips are disaggregated into 14 different geographically designated evacuation zones in the Genasys Protect platform. Trips are routed from each zone to the nearest evacuation route. Once on a major evacuation route, trips are assigned to the most efficient path toward either SR-85 or I-280. The city limit is used as the evacuation

gateways because it represents the boundary beyond which evacuees are considered to have exited the hazard area and the evacuation area, and are therefore no longer at immediate risk.

3.6 Evacuation Route Assessment

An evacuation route assessment can be completed in a variety of ways to determine the capacity and viability of key evacuation routes. An assessment, like this project, can use volume to capacity ratios under typical non-congested conditions. Under more constrained and congested conditions, higher effort studies may involve modeled analysis of evacuation scenarios using dynamic traffic assignment to simulate traffic flow and evacuation times when street and freeway networks are at capacity. This evacuation route capacity divides the vehicle demand volumes by the roadway evacuation capacity to estimate the volume to capacity ratio during an evacuation event. Furthermore, the evacuation route assessment measures the distance evacuees have to travel to reach evacuation gateways.

3.6.1 Assessing Evacuation Route Capacity

This analysis uses planning level roadway capacities based on the roadway cross section (e.g., two, four, or six travel lanes) with adjustments for the hilly nature of the evacuation routes in the evacuation area and anticipated lower visibility conditions present during an evacuation. These planning level roadway capacities are consistent with the level of planning for this AB 747/AB 1409 evacuation capacity analysis where the desired outcome is a list of policies and programs to integrate into the *Health and Safety Element*. **Table 3** lists the peak one-hour planning capacity for each roadway type. These evacuation capacities do not incorporate contraflow, as the opposing direction is reserved for emergency responders.

Table 3: Planning Level Roadway Capacity per Hour per Lane

Roadway Type	Planning Capacity[1] (Typical Day)	Planning Capacity (Low Visibility)
Freeway	2,020	1,780
Divided Arterial	940	830
Undivided Arterial	890	780
Collector/Local	650	570

Notes:
1. Roadway planning capacity from *Highway Capacity Manual* (2000).
Source: *Highway Capacity Manual*, 2000; Fehr & Peers, 2025.

Additionally, during a fire or other emergency event, roadways typically operate at lower capacities due to changes in driver behavior and the presence of hazards such as low visibility due to smoke. Baseline capacities for all evacuation roadways were reduced by 12 percent to account for these hazards, based on recommended capacity reductions due to low visibility (due to weather) provided by the Federal Highway Administration (FHWA) Road Weather Management Program.[9]

[9] How weather events impact roadways? https://ops.fhwa.dot.gov/weather/q1_roadimpact.htm#:~:text=Speed%20variance%20can%20fall%20by,12%20percent%20in%20low%20visibility, accessed April 2025.

Table 4 presents the roadway types and total evacuation route capacity at designated screenlines and a few additional roadway segments. A screenline is an imaginary line on a map to evaluate the evacuation route capacity (see **Figure 3** and **Figure 4**). This analysis uses a screenline east of the evacuation area, and another at SR-85 and I-280, which represent the defined evacuation gateways.

Table 4: Evacuation Route Capacity

Roadway Name	Roadway Type[1]	Outbound Lanes	Evacuation Route Capacity	Adjusted Evacuation Route Capacity[2]
1. East of the Evacuation Area Screenline				
Cristo Rey Drive west of Foothills Boulevard	Collector	1	650	570
Foothill Boulevard north of Alpine Drive	Local	1	650	570
Stevens Creek Boulevard east of Cupertino Road	Collector	1	650	570
McClellan Road east of Imperial Avenue	Collector	1	650	570
Bubb Road north of Hyannisport Drive	Local	1	650	570
Rainbow Drive west of Seven Springs Lane	Local	1	650	570
Prospect Road east of Parker Ranch Trailhead	Local	1	650	570
2. West of SR 85 Screenline				
Foothill Boulevard south of I-280	Undivided Arterial	2	1,780	1,560
Stevens Creek Boulevard west of SR-85	Undivided Arterial	2	1,780	1,560
Bubb Road south of Stevens Creek Boulevard	Collector	1	650	570
McClellan Road east of Bubb Road	Collector	1	650	570
Stelling Road north of Orion Lane	Collector	1	650	570
South De Anza Boulevard north of SR-85	Divided Arterial	3	2,820	2,490
Prospect Road east of S De Anza Boulevard	Collector	2	1,300	1,140

Notes:
1. Roadway type determined by City of Cupertino *Circulation Element* (2025).
2. Vehicles per hour. Rounded to nearest 10.

Source: *Circulation Element*, 2025; Fehr & Peers, 2025.

3.6.2 Distance to Evacuation Gateway

For this analysis, evacuation population groups are considered to be evacuated when they have either accessed gateways to the east of SR-85 or north of I-280. To assist with identifying potentially vulnerable communities during an evacuation event it is also helpful to identify City neighborhoods that need to travel the furthest and thus are potentially the most exposed in an evacuation event. This analysis measures the distances from each point along the roadway network to designated evacuation gateways. Up to two best routes from each point to the gateways are included in this assessment.

4. Evacuation Route Assessment

This chapter evaluates the evacuation route capacity during a wildfire evacuation event for the evacuation area and routes identified in **Chapter 3**. This section also analyzes the distances from each point along the roadway network to designated evacuation gateways to help identify City neighborhoods that need to travel the furthest and thus are potentially the most exposed in an evacuation event.

4.1 Estimate Evacuation Vehicle Trips

Based on the identified scenarios, the areas requiring evacuation include the FHSZ since these areas are most vulnerable to wildfire hazards. The trips assigned to the transportation system are estimated based on household and employer demographics along with student and visitor population and assist with estimating evacuation demand during an evacuation event.

Table 5 lists the composition of evacuees for each quantitative scenario. Note that **Scenario C** is a qualitative assessment, which builds on **Scenario A** and, therefore, has the same evacuation demand as **Scenario A**.

Table 5: Composition of Evacuees by Scenario

Type of Evacuees	Scenario A (Quantitative)	Scenario B (Quantitative)	Scenario C (Qualitative)
Residents	46%	100%	46%
Employees	100%	2%	100%
Students	100%	0%	100%
Visitors	100%	0%	100%

Source: Fehr & Peers, 2025.

4.1.1 Resident and Employee Population

A worst-case condition was estimated where all residents, and retail and restaurant (estimated to be half of all employees in the area) in the evacuation area would need to be evacuated. The number of residents, anticipated vehicle ownership per household, employees, students in schools, and visitors in the evacuation area were used to estimate the number of evacuee vehicles. Because the raw data for households, population, and employment cover geographic areas that differ from the evacuation area, the data were adjusted to estimate land use and evacuation demand. **Table A-1** to **Table A-3** provide raw socioeconomic data.

Table 6 to **Table 10** present the resident, employee, student, and visitor land uses and estimated evacuation demand in the evacuation area. As shown in **Table 6**, approximately one percent of households does not have access to a vehicle and would potentially confront mobility constraints during an evacuation event.

This assessment uses zero-vehicle households as a proxy to provide an estimate of persons with mobility constraints that may need evacuation assistance. These zero-vehicle households would

require outside assistance. Although outside the scope of this assessment, the City may want to consider a program that ensures a more accurate accounting of households needing assistance and programs to facilitate their evacuation. This estimate also assumes employment centers would provide evacuation assistance to employees without access to a vehicle. Additionally, it was assumed that some households with more than two vehicles likely would not be able to utilize all of their vehicles during an evacuation event (e.g., homes with three or more vehicles but with only two licensed drivers).

Table 6: Resident Population and Evacuation Demand Vehicle Trips of the Evacuation Area

Population[1]	Households[2]	Household Vehicle Ownership[2]				Estimated Evacuation Demand[3,4,5]		
		0	1	2	3+	Scenario A	Scenario B	Scenario C
12,636	4,355	48	604	2,400	1,303	4,050	8,710	4,050
		1%	14%	55%	30%			

Notes:
1. The estimated population is obtained from Genasys Protect data provided by the City staff on July 25, 2025.
2. The estimated number of households and household vehicle ownership is derived from 2023 American Community Survey (ACS) 5-Year Estimates and adjusted according to the estimated population.
3. Assumption of number of vehicles that will evacuate: zero-vehicle household: 1 vehicle; one-vehicle household: 1 vehicle; two-vehicle household: 2 vehicles; three-or-more vehicle household: 2.5 vehicles.
4. Assume that daytime population from Genasys Protect consists of residents, employees, students, and visitors. Calculated as (daytime population - employees - students - visitors) / residents * 100%, The residents present in the evacuation area were estimated to be 46% and 100% of the population for Scenarios A and B respectively.
5. It should be noted that this information does not constitute a specific analysis of households with mobility challenges as it does not specifically account for people who have mobility impairments that preclude them from using a vehicle; it also does not specifically account for households that own one or more vehicles, but where not all members of the household may necessarily have access to them at all times (for example, a household with one vehicle which a household member drives to work, leaving other members of the household at home with no vehicle available).

Source: 2023 ACS 5-Year Estimates; Genasys Protect; Santa Clara Countywide VMT Estimation Tool; Fehr & Peers, 2025.

Table 7: Employee Population and Evacuation Demand Vehicle Trips of the Evacuation Area

Employment (A)[1]	Estimated Evacuation Demand[2]		
	Scenario A	Scenario B	Scenario C
556	550	10	550

Notes:
1. The estimated employment is obtained from the Santa Clara Countywide VMT Evaluation Tool, using 2025 as the baseline year.
2. Assumes that all the employees will evacuate with 0.99 vehicles per employee (one percent of evacuation area households are zero-vehicle households).

Source: Fehr & Peers, 2025.

4.1.2 Student Population

Within the designated evacuation area, several schools serve a substantial student population that would require timely evacuation in the event of an emergency at working hours. Schools located

within the evacuation area include Abraham Lincoln Elementary School, Tessellations Elementary School, John F. Kennedy Middle School, and Monta Vista High School. **Table 8** presents the estimated number of student evacuation trips during Scenario A. **Table A-4** and **Table A-5** show the school enrollment data and estimated student evacuation trips, categorized by mode of travel, including pick-up/drop-off by parents, carpooling, and individual student drivers.

Table 8: Student Population and Evacuation Demand Vehicle Trips of the Evacuation Area

School Enrollment	Estimated Evacuation Demand Vehicle Trips		
	Scenario A	Scenario B	Scenario C
3,560	3,120	0	3,120

Source: Fehr & Peers, 2025.

4.1.3 Visitor Population

Table 9 presents the estimated number of visitor trips generated by recreational land uses that would require evacuation during an emergency. Additional details on how these visitor trip estimates were developed can be found in **Table A-6**.

Table 9: Visitor Land Use and Evacuation Demand of the Evacuation Area

Visitors	Estimated Evacuation Demand Vehicle Trips		
	Scenario A	Scenario B	Scenario C
355	180	0	180

Source: Fehr & Peers, 2025.

4.1.4 Total Estimated Evacuation Demand

Considering the estimated trips generated in the evacuation area from all employees, residents, students and visitors, the total number of estimated trips during an evacuation event can be estimated. The total evacuation demand is 7,900 and 8,720 during **Scenario A** and **Scenario B** respectively, as shown in **Table 10**.

Table 10: Total Estimated Evacuation Demand Vehicle Trips for the Evacuation Area

Type of Evacuees	Scenario A	Scenario B	Scenario C
Residents	4,050	8,710	4,050
Employees	550	10	550
Students	3,120	-	3,120
Visitors	180	-	180
Total	**7,900**	**8,720**	**7,900**

Source: Fehr & Peers, 2025.

Figure 3 shows the distribution of the evacuation demand across two screenlines. These screenlines represent the edge of the hazard area (screenline 1) and the estimated evacuation edge (screenline 2).

4.2 Evaluating Evacuation Route Capacity

4.2.1 Scenario A (Quantitative Analysis)

The total estimated evacuation demand was distributed across the roadway network in proportion to the combined resident, employee, student, and visitor population data for each Genasys Protect zone[10] within the evacuation area. Detailed percent trips assigned for each roadway can be found in **Table B-1**. The distance to evacuation gateways map (see **Figure 5**) was used to identify primary routes likely to be used by evacuees.

Traffic volume data for the roadway segments on the evacuation area were collected in July 2025. These counts, combined with estimated demand, were used to calculate the total evacuation vehicle demand. StreetLight data from the same period in 2024 were collected and compared with data from October 2024 to evaluate the impact of school sessions versus non-school periods. For **Scenario A**, representing a typical Fall weekday at 2 PM, a factor of 1.2 was applied to account for the increased traffic associated with schools being in session.

Evacuation route capacity was assessed by dividing vehicle demand volumes by roadway evacuation capacity to calculate the volume-to-capacity (V/C) ratio. As shown in **Table 11**, the results of the evacuation capacity assessment indicate that all evacuation routes have V/C ratios greater than 1 near the evacuation area except for Prospect Road. This indicates that these roads would require more than one hour to accommodate the evacuation demand from the hillside, making them bottlenecks during an evacuation.

Foothill Boulevard, **Stevens Creek Boulevard** and **McClellan Road** are the most critical bottlenecks with V/C ratio greater than 2. **Prospect Road** and **Stelling Road** have V/C ratios of 1, suggesting they are at capacity and should be prioritized for evacuation demand and supply strategies.

It is also important to note that emergency scenarios are often unpredictable (as well as driver behavior during the evacuation time period) and it is anticipated that evacuees would vacate at a rate that more closely resembles a bell curve from the time the evacuation order is issued. These are conditions which would affect the total estimated evacuation time in our assessment and are beyond the scope and budget of our assessment. There is also general unpredictability in operational issues, such as power issues that would trigger traffic signals to operate in “red flash mode” in which traffic would need to proceed through intersections in an all-way stop configuration.

[10] A Genasys Protect zone is a predefined geographic area used during emergencies to streamline response efforts, reduce confusion, and optimize traffic flow.

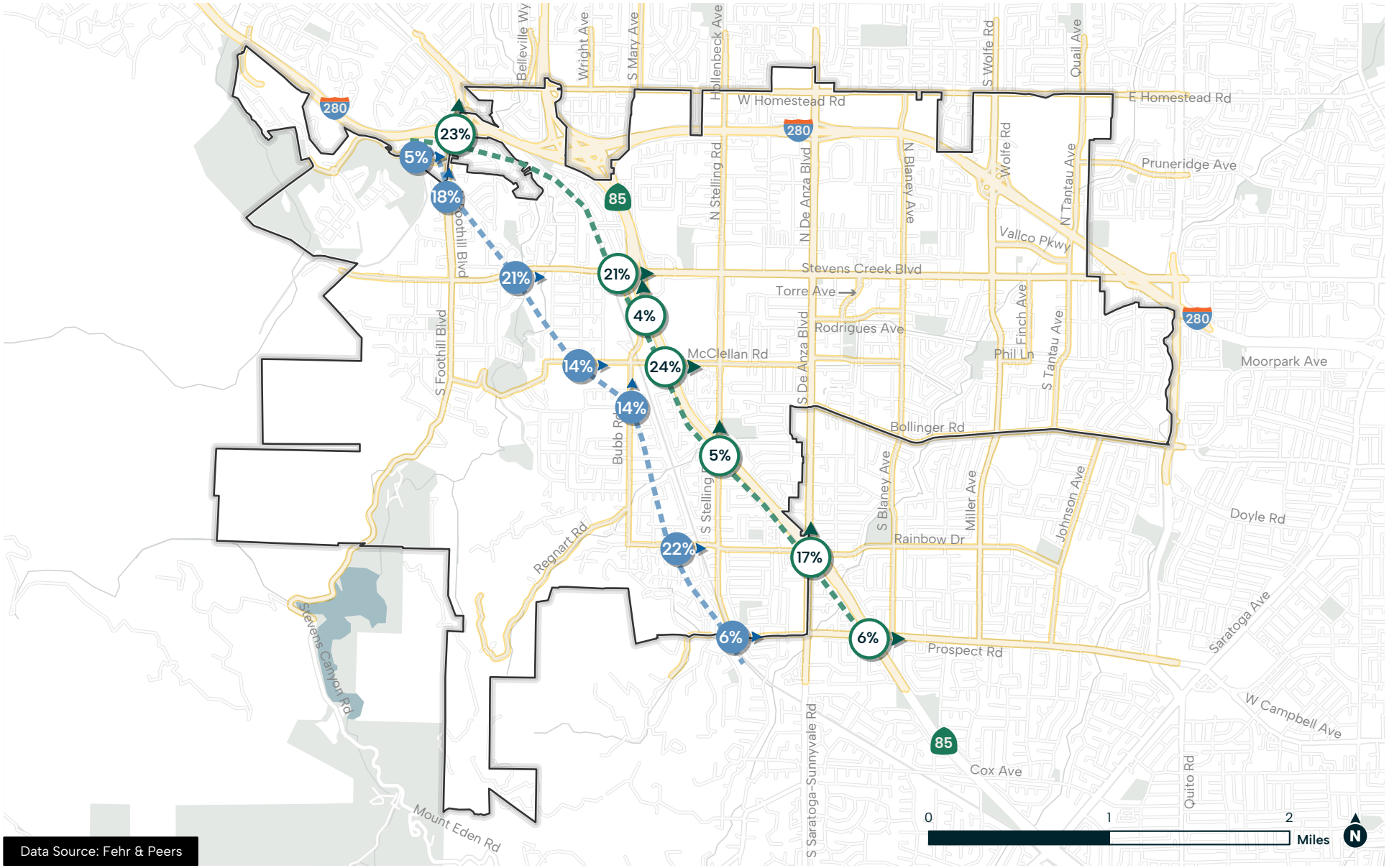


FIGURE 3

Trip Distribution for Scenario A

Fehr & Peers

Table 11: Evacuation Route Link Capacity Analysis (Scenario A)

Evacuation Route Link	Evacuation Travel Demand[1]	Existing Hourly Traffic	Total Evacuation Demand	Adjusted Evacuation Route Capacity	V/C Ratio[2]
1. East of the Evacuation Area Screenline					
Cristo Rey Drive west of Foothills Boulevard	400	239	639	570	**1.1**
Foothill Boulevard north of Alpine Drive	1,420	883	2,303	570	**4.0**
Stevens Creek Boulevard east of Cupertino Road	1,660	417	2,077	570	**3.6**
McClellan Road east of Imperial Avenue	1,110	100	1,210	570	**2.1**
Bubb Road north of Hyannisport Drive	1,110	234	1,344	570	**2.4**
Rainbow Drive west of Seven Springs Lane	1,740	20	1,760	570	**3.1**
Prospect Road east of Parker Ranch Trailhead	470	116	586	570	1.0
2. West of SR 85 Screenline					
Foothill Boulevard south of I-280	1,820	883	2,703	1,560	**1.7**
Stevens Creek Boulevard west of SR-85	1,660	719	2,379	1,560	**1.5**
Bubb Road south of Stevens Creek Boulevard	320	550	870	570	**1.5**
McClellan Road east of Bubb Road	1,900	506	2,406	570	**4.2**
Stelling Road north of Orion Lane	400	196	596	570	1.0
South De Anza Boulevard north of SR-85	1,340	1,578	2,918	2,490	**1.2**
Prospect Road east of S De Anza Boulevard	470	912	1,382	1,140	**1.2**

Note: **Bolded** text indicates roadways over one-hour evacuation capacity.
1. Rounded to nearest 10.
2. Total evacuation demand divided by adjusted outbound capacity.
Source: Fehr & Peers, 2025.

4.2.2 Scenario B (Quantitative Analysis)

Scenario B assumes a wildfire-triggered evacuation following an earthquake at 6 AM, during a time when schools are not in session. The total estimated evacuation demand was distributed across the

roadway network in proportion to the combined population, and employment population data for each Genasys Protect zone[11] within the evacuation area. Detailed percent trips assigned for each roadway can be found in **Table B–2**. The distance to evacuation gateways map (see **Figure 5**) was used to identify primary routes likely to be used by evacuees.

The results of the evacuation capacity assessment in **Table 11** indicate that all the roadways near the evacuation area except for **Cristo Rey Drive**, **McClellan Road** and **Prospect Road** have V/C ratios greater than 2. This indicates that these roads would require more than one hour to accommodate the evacuation demand from the evacuation area, making them bottlenecks during an evacuation. This scenario is evaluated with a road closure on **McClellan Road** at Club House Lane near the Deep Cliff Golf Course, with schools not in session. When this segment of **McClellan Road** is closed, evacuees located east of Club House Lane can only travel eastbound along **McClellan Road**, while those west of the closure can only travel westbound. In other words, evacuees cannot cross the closed segment, which results in separate evacuation routes for areas on either side of the closure. Under these conditions, evacuation demand on **McClellan Road** would decrease, with some trips shifted to **Foothill Boulevard** and **Stevens Creek Boulevard**. As a result, **McClellan Road** would experience a lower V/C ratio.

Under **Scenario B**, evacuation demand is higher than under **Scenario A**, as summarized in **Table 10**. However, because existing hourly traffic is lower at 6 AM under **Scenario B**, the total evacuation demand (i.e., the sum of evacuation travel demand and existing hourly traffic) on some roadways is lower under **Scenario B** than under **Scenario A**. A morning evacuation (6:00 AM) reflects conditions when most residents are at home, resulting in higher residential evacuation demand but relatively low existing traffic volumes on the roadways. In contrast, an afternoon evacuation (2:00 PM) occurs when many residents are at work or school, leading to lower residential evacuation demand but higher levels of existing traffic associated with general daytime travel activity. **Scenario B** has higher evacuation travel demand but lower existing traffic, resulting in a lower total evacuation demand on some roadways than **Scenario A**. As a result, these roadways show lower V/C ratios under **Scenario B** despite the higher evacuation travel demand.

[11] A Genasys Protect zone is a predefined geographic area used during emergencies to streamline response efforts, reduce confusion, and optimize traffic flow.

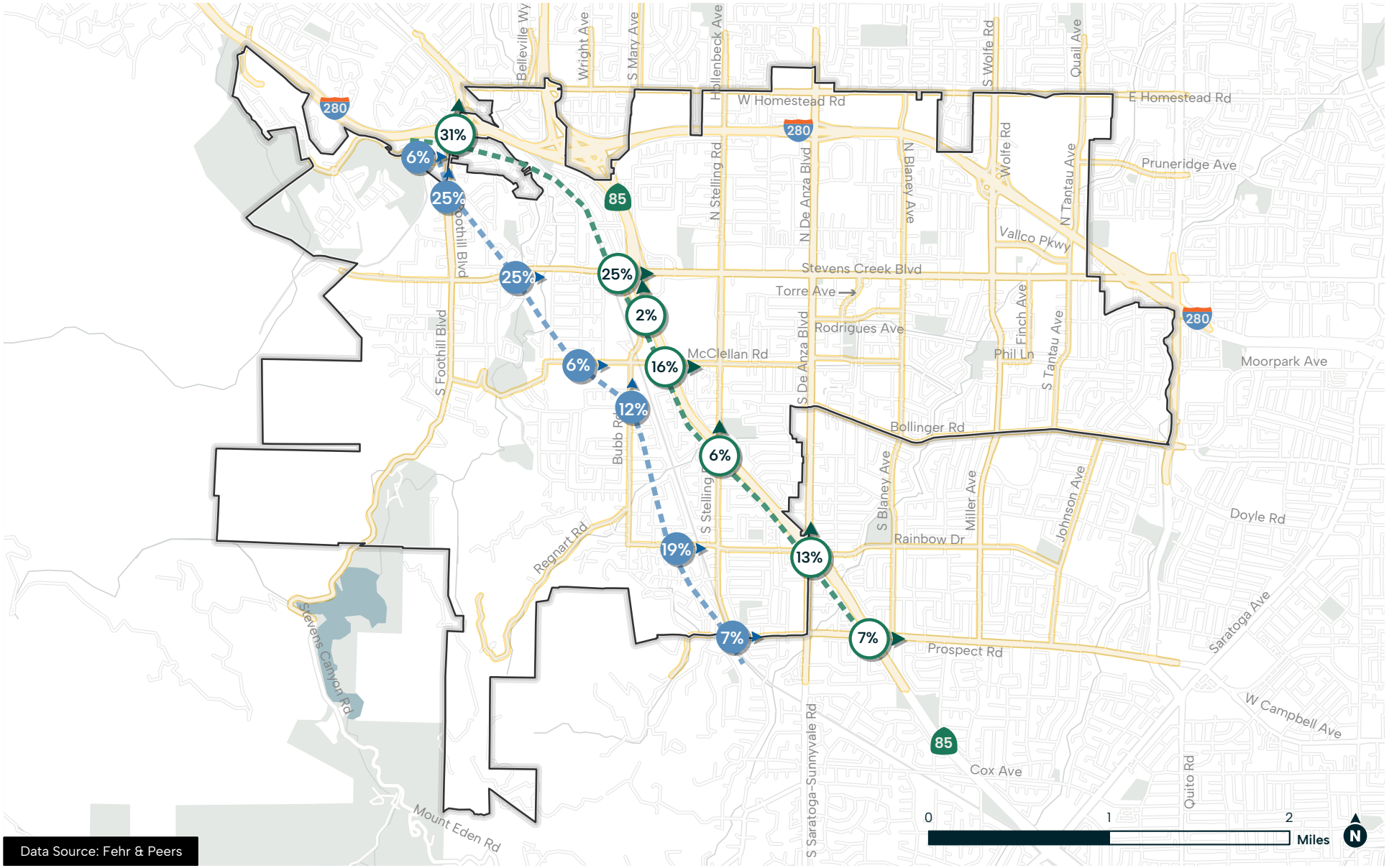


FIGURE 4

Trip Distribution for Scenario B

Fehr & Peers

Table 12: Evacuation Route Link Capacity Analysis (Scenario B)

Evacuation Route Link	Evacuation Travel Demand[1]	Existing Hourly Traffic	Total Evacuation Demand	Adjusted Evacuation Route Capacity	V/C Ratio[2]
1. East of the Evacuation Area Screenline					
Cristo Rey Drive west of Foothills Boulevard	520	31	551	570	1.0
Foothill Boulevard north of Alpine Drive	2,180	283	2,463	570	**4.3**
Stevens Creek Boulevard east of Cupertino Road	2,180	31	2,211	570	**3.9**
McClellan Road east of Imperial Avenue	520	13	533	570	0.9
Bubb Road north of Hyannisport Drive	1,050	64	1,114	570	**2.0**
Rainbow Drive west of Seven Springs Lane	1,660	85	1,745	570	**3.1**
Prospect Road east of Parker Ranch Trailhead	610	23	633	570	**1.1**
2. West of SR 85 Screenline					
Foothill Boulevard south of I-280	2,700	283	2,983	1,560	**1.9**
Stevens Creek Boulevard west of SR-85	2,180	142	2,322	1,560	**1.5**
Bubb Road south of Stevens Creek Boulevard	170	86	256	570	0.4
McClellan Road east of Bubb Road	1,400	31	1,431	570	**2.5**
Stelling Road north of Orion Lane	520	28	548	570	1.0
South De Anza Boulevard north of SR-85	1,130	362	1,492	2,490	0.6
Prospect Road east of S De Anza Boulevard	610	144	754	1,140	0.7

Note: **Bolded** text indicates roadways over one-hour evacuation capacity.
1. Rounded to nearest 10.
2. Total evacuation demand divided by adjusted outbound capacity.
Source: Fehr & Peers, 2025.

4.2.3 Scenario C (Qualitative Analysis)

Scenario C assumes a wildfire-triggered evacuation following an earthquake at 2 PM on a school day. **Scenario C** demonstrates the worst-case evacuation condition in which an earthquake initiates wildfire. **Scenario C** builds on **Scenario A** by assuming the same evacuation demand, but with additional roadway closures at the following roadways because of an earthquake causing wildfire:

- Stevens Creek Boulevard at SR-85
- SR-85 Southbound Ramps at Stevens Creek Boulevard

Due to the results of the baseline scenario, no further quantification was conducted for Scenario C. However, in addition to the capacity constraints identified in **Scenario A**, the following evacuation route capacity issues have been noted:

- The closure on **Stevens Creek Boulevard** and **SR-85 Southbound Ramps** would divert 2,378 evacuees assigned to Stevens Creek Boulevard (refer to **Table 11**) to the adjacent routes. The updated trip distribution is shown in **Table B-3**. These alternative routes include **Foothill Boulevard**, **McClellan Road**, and **De Anza Boulevard**. Since these routes are already bottlenecks in **Scenario A**, the added volume would result in further congestion and increase the severity of the bottleneck causing more delay and queuing.
- Stevens Creek Boulevard also serves the evacuees from the entire corridor east and west of the FHSZ. A portion of the rerouted evacuation demand from Stevens Creek Boulevard is expected to shift towards **Rainbow Drive** and to **Stelling Road** or **De Anza Boulevard**, which serve as one of the key evacuation corridors to SR-85.
- **Foothill Boulevard** is already identified as a critical bottleneck with a V/C ratio exceeding 4 in both the scenarios. The rerouted evacuation demand due to the roadway closures would further exacerbate congestion and significantly affect evacuation efficiency.

4.3 Analyzing Distance to Evacuation Gateways

Distance to evacuation gateways is mapped in **Figure 5**. The map illustrates the primary evacuation routes likely to be used by evacuees. The distance for all the evacuation routes ranges from 0.9 to 2.5 miles with most falling between 1.5 to 2 miles. From each start point, there is one or two best routes to reach the gateways with similar distances.

Routes A, B, E, and F (via Cristo Rey Drive, Stevens Creek Boulevard, Rainbow Drive, and Prospect Road, respectively) are within two miles of the nearest evacuation gateways. According to **Table 11** and **Table 12**, Cristo Rey Drive and Prospect Road are not expected to experience capacity constraints under **Scenarios A and B**. As a result, evacuees using these routes are expected to have relatively short evacuation times.

In contrast, Route D (via **Bubb Road**) is located 2 miles to the nearest evacuation gateway (Gateway 3), while Route C (via **Foothills Boulevard**) exceeds 2 miles in distance to the nearest gateway (Gateway 3). Given that **Foothills Boulevard** is projected to be over capacity (V/C > 4) under **Scenarios A and B**, and **Bubb Road** is over capacity (V/C > 2) under both scenarios, evacuees using these routes are likely to encounter significant traffic congestion and longer evacuation times.

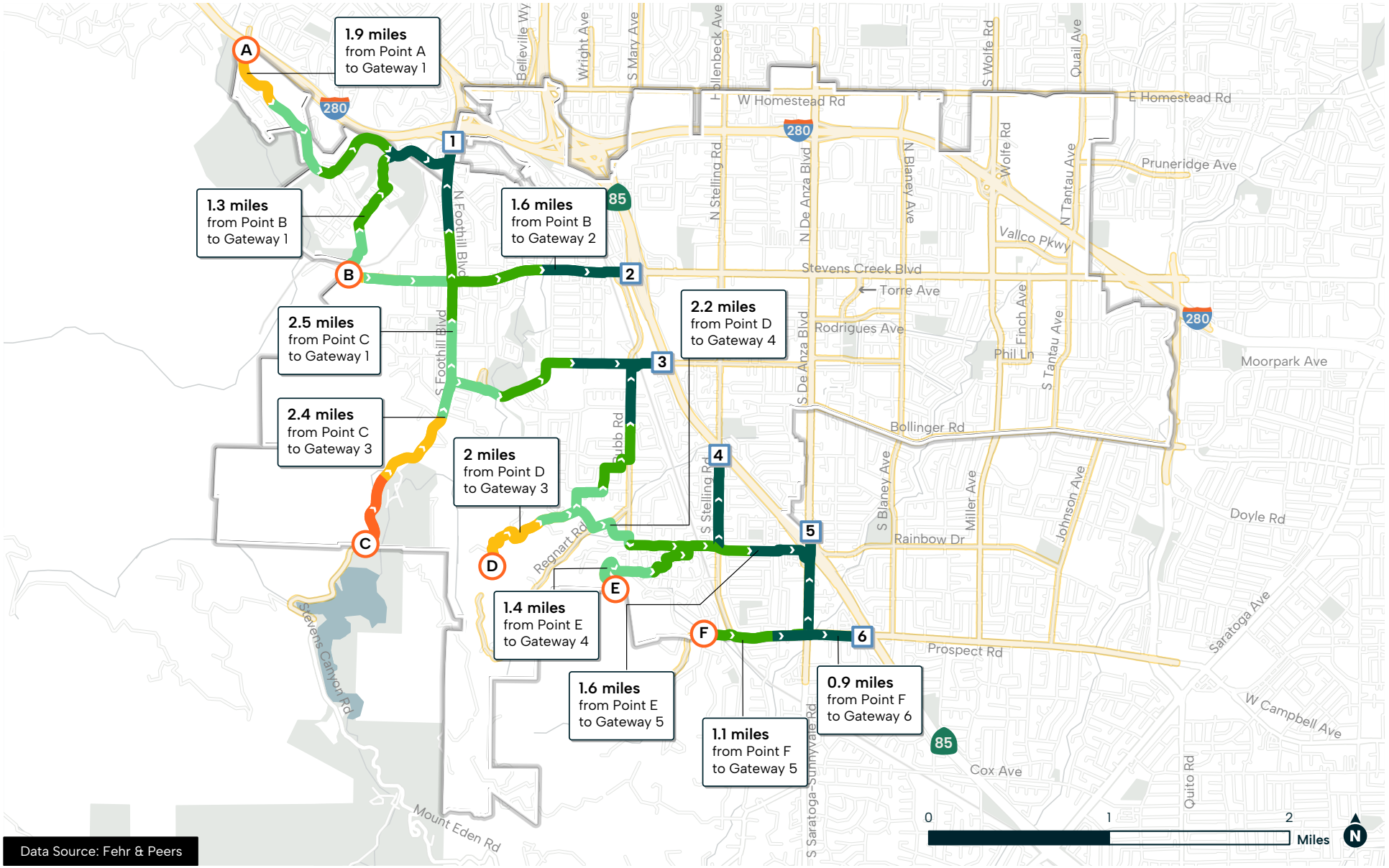


FIGURE 5

Distances to Evacuation Gateways

Fehr & Peers

5. Recommendations

The City of Cupertino has already implemented several key strategies that support evacuation readiness and enhance emergency response capabilities. These existing measures provide a strong foundation for coordinated and effective action during wildfire or other disaster events:

- Established **multi-jurisdictional plans** that enable Fire and Sheriff departments to operate seamlessly under a **unified command structure**. This coordination ensures faster decision-making, effective resource deployment, and a cohesive response across different agencies and jurisdictions.
- **Traffic signals** within the evacuation network are equipped with **battery backup** systems, allowing them to remain operational during power outages for up to eight hours. This functionality helps maintain orderly traffic flow, reduces confusion at intersections, and supports safer, more efficient evacuations.
- **Strong coordination and communication** among key agencies including Fire, Sheriff, and Public Works—facilitate real-time updates and operational alignment. These communication protocols enable swift sharing of situational information, ensuring a collaborative response during rapidly evolving emergency situations.

In addition to the recommended policies (Policy HS-2.1 to Policy HS-2.15) included in the *Safety Element Update*, the following recommendations are listed as potential measures that can enhance the evacuation process through the supply side (increasing evacuation capacity), demand side (managing evacuation volumes), and information side (improving awareness and communication).

These recommendations will be incorporated into future updates of the *Emergency Operations Plan* (EOP), *Local Hazard Mitigation Plan* (LHMP), and *Health and Safety Element Update* to ensure consistency and alignment. Some recommendations can be implemented more readily through the EOP. Others may require additional coordination and formal adoption as part of the *Safety Element Update* or LHMP.

5.1 Supply-Side Strategies

Supply-side strategies aim to temporarily increase evacuation capacity at key bottleneck locations while balancing the everyday safety and function of the roadway system.

- Increasing capacity through the use of **contraflow lanes** or **dual purpose shoulder evacuation/protected bike lane widening** by changing future roadway design, especially in areas with less accessibility and located on key evacuation routes. These areas are primarily located on I-280, Foothills Boulevard, Stevens Creek Boulevard, Bubb Road, and SR-85 corridors. These routes should consider incorporating design treatments such as painted medians (instead of raised medians) or other treatments that could assist in creating reversible lanes, or a dual-purpose shoulder to facilitate additional capacity in an evacuation event scenario.
- **Extending water service** into evacuation corridors strengthens firefighting capacity and long-term water investment ensures reliable resources that sustain evacuation operations under emergency conditions.
- **Managed traffic control** during evacuation, including turn restrictions and route or ramp closures, to maximize outflows from evacuation areas.
- **Faster clearing of** fire-induced **road closures**.

- Plan for **street parking management** on high hazard days.

5.2 Demand-Side Strategies

- The City of Cupertino can support vehicle volume reduction during an evacuation by encouraging **carpooling** and use of **public transit**;
- Encouraging **a one car per household evacuation pledge** (for households that must have second vehicles, an alternative could involve early off-site placement of a second car when advance wildfire warnings or other hazard requiring evacuation are available);
- Identifying **shelter locations** within the City limits and outside the FHSZ to reduce demand on evacuation routes outside the FHSZ and **plan/implement shelter facilities**; and

5.3 Information-Side Strategies

The City of Cupertino can further support evacuation through the following measures:

- Enhance **community evacuation programs** to improve resident, employee, student, and visitor preparedness and familiarity with evacuation routes and processes.
- Strengthen coordination of **emergency response equipment** and resources between neighboring jurisdictions, allowing for **shared use** based on operational needs rather than ownership.
- Enhance **communication protocols** between cities and elected officials to support unified decision-making, real-time information sharing, and coordinated emergency response across jurisdictional boundaries.
- Explore and deploy **wildfire early detection systems** (i.e., wildfire video surveillance cameras, drones, etc.) especially for constrained access parcels.
- Use **real-time traffic management** tools to implement dynamic route guidance and monitoring to guide evacuees away from congested routes and encourage the use of secondary or tertiary routes to distribute traffic more evenly.
- Study a **phased evacuation** process where different groups or areas evacuate at different times to prevent congestion on main evacuation routes. This can be based on factors like proximity to danger, traffic volume, or priority of evacuation.
- Study and install **vehicle monitoring devices** and variable **message signs** to monitor evacuation programs and provide notification of any changes in evacuation routes or plans due to a change in the wildfire or incidents to motorists along the road.

5.4 Additional Considerations

This evacuation assessment includes trips generated by both employees and residents from the evacuation area and assumes all residents and employees will be evacuated using vehicles. A critical consideration for emergency personnel is to assist **individual residents and employees** who either do not have access to a vehicle or cannot drive, to ensure that compete evacuation is provided. The EOP includes provisions to coordinate with the VTA, Silicon Valley (SV) Hopper, and emergency services. Further research into strategies for evacuating people who do not have access to a vehicle is recommended. Options for assisting with evacuation in such situations could include, but not be limited to, the following:

- Neighborhood "buddy" program to link people needing assistance with people willing to assist.

- Partnership with transportation network companies (TNCs) like Uber and Lyft.

For **individual students and visitors** who do not have access to a vehicle, options for assisting with evacuation in such situations could include, but not be limited to, the following:

- Designated pick-up zones for TNCs or buses to ensure orderly evacuation.
- Provide dedicated shuttle, school vans, or charter bus service, if available.

Appendix A: Socioeconomic Data

Table A-1: Summary of Socioeconomic Data – Census[1]

Geographic Area	Households	Population	Employment	Household Vehicle Ownership			
				0	1	2	3+
Census Tract 5077.01	***1,216***	***4,092***	***1,526***	***90***	***217***	***515***	***394***
Block Group 1; Census Tract 5077.01	N/A	878	N/A	N/A	N/A	N/A	N/A
Block Group 2; Census Tract 5077.01	N/A	1,927	N/A	N/A	N/A	N/A	N/A
Census Tract 5077.02	***2,163***	***6,107***	***3,310***	***24***	***300***	***1,192***	***647***
Block Group 1; Census Tract 5077.02	N/A	2,052	N/A	N/A	N/A	N/A	N/A
Block Group 2; Census Tract 5077.02	N/A	1,704	N/A	N/A	N/A	N/A	N/A
Block Group 3; Census Tract 5077.02	N/A	2,351	N/A	N/A	N/A	N/A	N/A
Census Tract 5077.04	***1,214***	***3,466***	***1,453***	***150***	***299***	***457***	***308***
Block Group 1; Census Tract 5077.04	N/A	1,060	N/A	N/A	N/A	N/A	N/A
Block Group 2; Census Tract 5077.04	N/A	2,406	N/A	N/A	N/A	N/A	N/A
Census Tract 5077.05	***1,385***	***4,560***	***1,753***	***19***	***255***	***671***	***440***
Block Group 1; Census Tract 5077.05	N/A	1,952	N/A	N/A	N/A	N/A	N/A
Block Group 2; Census Tract 5077.05	N/A	1,373	N/A	N/A	N/A	N/A	N/A
Block Group 3; Census Tract 5077.05	N/A	1,235	N/A	N/A	N/A	N/A	N/A
Total	**5,978**	**35,613**	**8,042**	**283**	**1,071**	**2,835**	**1,789**

Notes:
1. Census block group and census tract locations are illustrated in **Figure A-1**.
Source: 2023 ACS 5-year Estimates; Fehr & Peers, 2025.

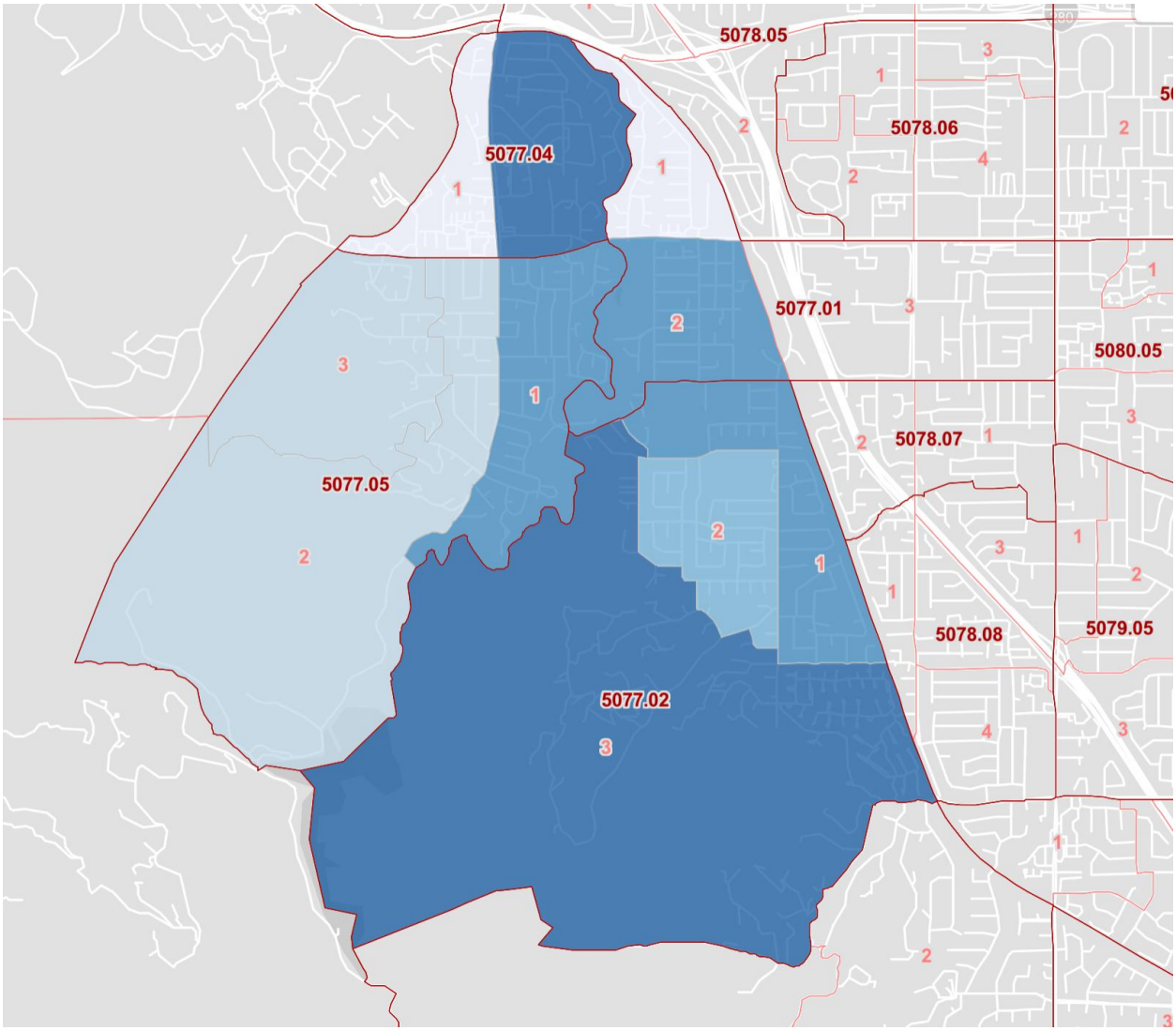


Figure A-1: Census Block Group and Census Tract Locations

Table A-2: Summary of Socioeconomic Data – Genasys Protect[1]

Geographic Area	Total Population	Total Daytime Population	Total Households
SCC-005	0	0	0
SCC-006	0	3	0
SCC-008	198	270	82
SCC-010	12	52	2
SCC-011	13	41	4
SCC-020	67	37	21
CUP-007	784	1,057	376
CUP-008	1,294	931	418
CUP-016	10	124	3
CUP-017	3,188	2,523	1,042
CUP-018	1,339	1,245	461
CUP-029	2,841	2,046	953
CUP-032	654	470	248
CUP-033	2,236	1,546	745
Total	**12,636**	**10,345**	**4,355**

Notes:
1. Genasys Protect zone locations are illustrated in **Figure A-2**.
Source: Genasys Protect; Fehr & Peers, 2025.

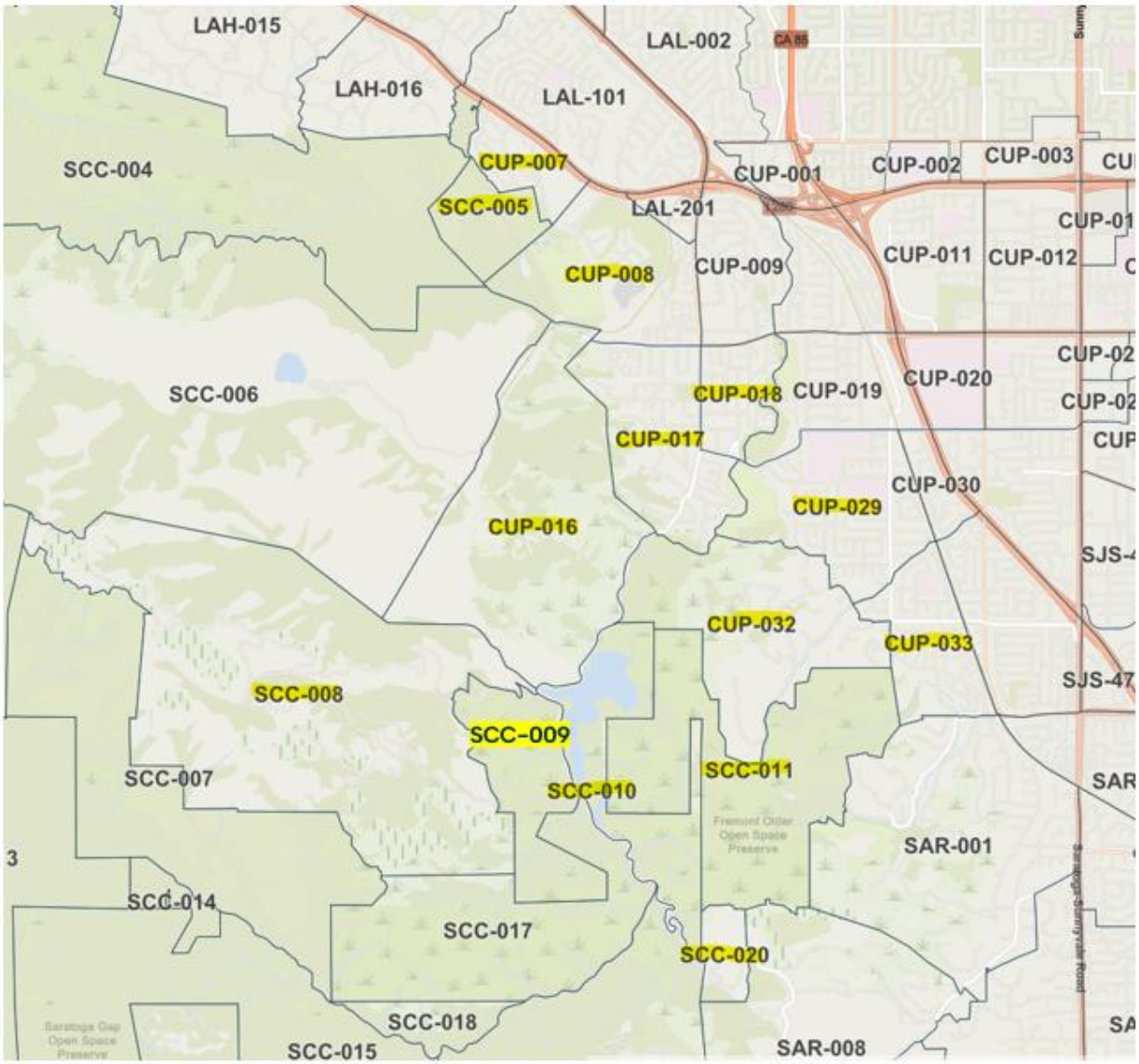


Figure A–2: Genasys Protect Zone Locations（highlighted numbers in study area）

Table A-3: Summary of Socioeconomic Data – Santa Clara County VMT Estimation Tool[1]

Geographic Area	Households	Population	Employment
TAZ 132	955	2,702	94
TAZ 130	0	0	0
TAZ 127	204	614	14
TAZ 128	231	693	25
TAZ 126	647	2,038	647
TAZ 103	193	530	77
TAZ 133	325	920	66
TAZ 102	278	749	55
TAZ 116	305	910	64
TAZ 115	1	3	1,448
TAZ 129	996	2,995	150
TAZ 105	413	1,240	5
TAZ 136	22	62	135
TAZ 122	328	1,033	0
TAZ 125	238	751	2
TAZ 131	273	822	5
TAZ 1334	661	1,880	55
TAZ 135	640	1,825	31
TAZ 134	677	1,916	7
TAZ 117	582	1,741	1,448
TAZ 123	466	1,472	0
Total	**8,435**	**24,896**	**4,328**

Notes:
1. TAZ locations are illustrated in **Figure A-3**.
Source: Santa Clara Countywide VMT Estimation Tool; Fehr & Peers, 2025.

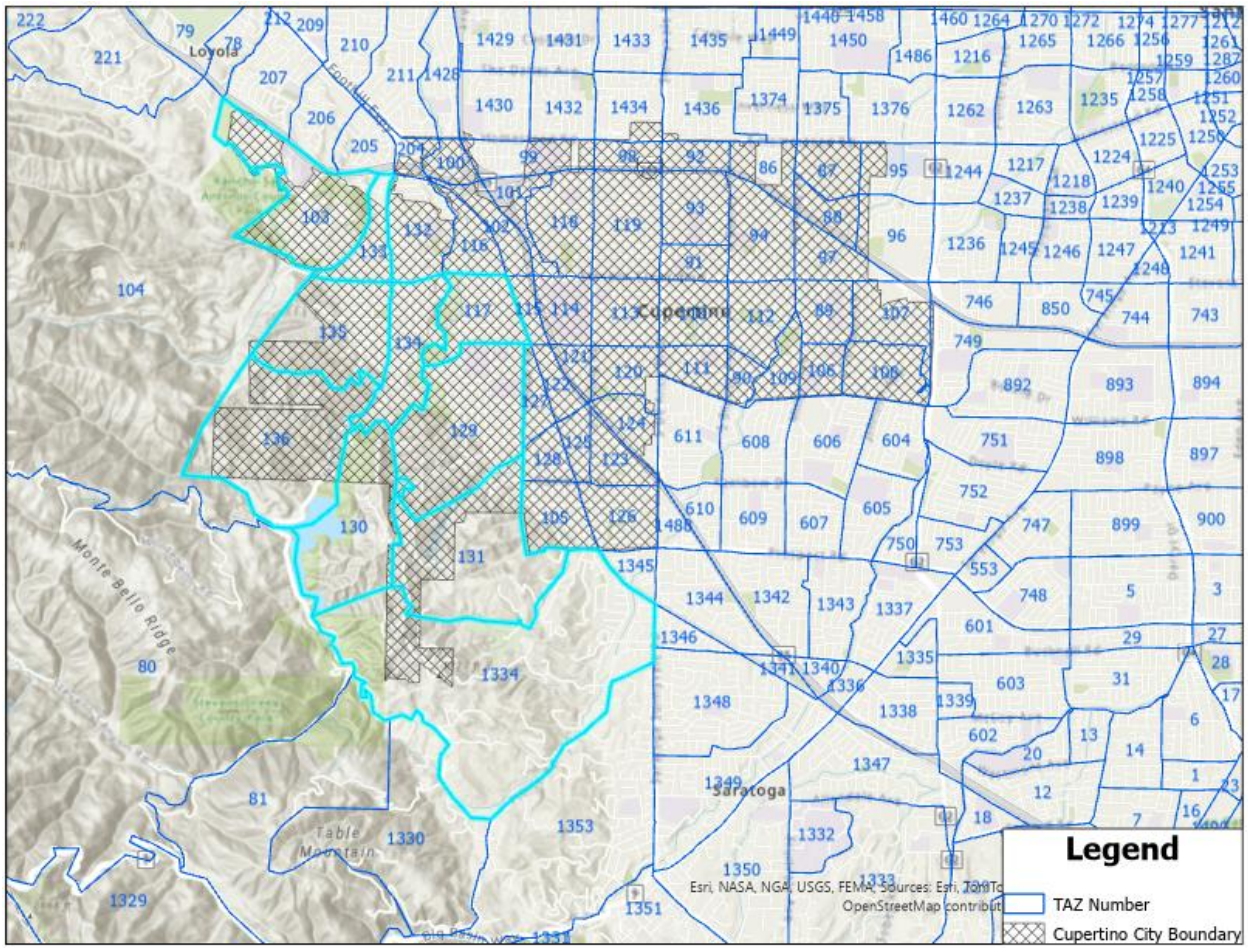


Figure A-3: Transportation Analysis Zone (TAZ) Locations (light blue indicates study area)

Table A-4: School Enrollment Data

School Name	School Enrollment
Abraham Lincoln Elementary	700
John F Kennedy Middle	930
Tessellations Elementary School	270
Total (non-driving students)	1,900[1]
Monta Vista High School (can drive)	1,660[2]
Total Students	**3,560**

Notes:
1. Elementary and middle school students are assumed to evacuate either by carpooling with another student (20%) or by being picked up/dropped off individually (80%).
2. High school students are assumed to be able to drive and are therefore assigned the following evacuation mode shares: drive alone (20%), carpool (30%), and pick-up/drop-off (50%).

Table A-5: Estimated Student Evacuation Trips

Driving Condition	Percent Estimates		Number of Students	Factor[1]	Estimated Student Evacuation Trips
	1,900 Students (Non- Driving)	1,660 Students (Can Drive)			
Drive Alone	0%	20%	330	1.0	330
Carpool	20%	30%	880	0.5	440
Drop-Off	80%	50%	2,350	1.0	2,350
		Total	**3,560**		**3,120**

Notes:
1. Drive Alone trips assume one person per vehicle; Carpool trips assume two passengers per vehicle, excluding the driver; and Drop-Off trips assume one passenger per vehicle, with the driver not counted.

Table A-6: Estimated Visitor Evacuation Trips

Recreational Attractions	Location	Number of Visitors[1]
PG&E Trailhead	East of Rancho San Antonio County Park	200
Deep Cliff Golf Course	North of Linda Vista Park	20
Rim Trail	North of Stevens Creek County Park	100
Parker Ranch Trailhead	East of Fremont Older Open Space Preserve	35
Total Visitors		355
Estimated Visitor Evacuation Trips[2]		**180**

Notes:
1. The number of visitors is based on the percentage of parking spaces assumed during the study period. (Refer to **Table 2** notes for the percentages assumed).
2. Visitors are assumed to carpool (two or more passengers per vehicle).

Appendix B: Trip Distribution

Table B-1: Trip Distribution Linked to Genasys Protect Zones (Scenario A)

Genasys Protect Zones[1]	Population	Population Distribution	Connected Roadways	Evacuation Trip Distribution
SCC-005[2]	0	0%	Foothills Boulevard	0%
SCC-006	0	0%	Foothills Boulevard	0%
SCC-008	198	1%	Foothills Boulevard	1%
SCC-010	12	0%	Foothills Boulevard	0%
SCC-011	13	0%	Prospect Road	0%
SCC-020	67	0%	Prospect Road	0%
CUP-007	784	5%	Cristo Rey Drive	5%
CUP-008	1,294	8%	Foothills Boulevard	5%
			Stevens Creek Boulevard	3%
CUP-016	10	0%	McClellan Road	0%
CUP-017	3,188	20%	Foothills Boulevard	9%
			Stevens Creek Boulevard	10%
			McClellan Road	1%
CUP-008	1,339	8%	Foothills Boulevard	5%
			Stevens Creek Boulevard	3%
CUP-029	2,841	38%	Stevens Creek Boulevard	4%
			McClellan Road	24%
			Rainbow Drive	10%
CUP-032	654	4%	McClellan Road	2%
			Rainbow Drive	2%
CUP-033	2,236	16%	Stelling Road	5%
			Rainbow Drive	5%
			Prospect Road	6%

Notes:
1. Genasys Protect zone locations are illustrated in **Figure A-2**.
2. SCC coded zones are located in Santa Clara County's FHSZ.

Source: Genasys Protect; Fehr & Peers, 2025.

Table B-2: Trip Distribution Linked to Genasys Protect Zones (Scenario B)

Genasys Protect Zones[1]	Population	Population Distribution	Connected Roadways	Evacuation Trip Distribution
SCC-005	0	0%	Foothills Boulevard	0%
SCC-006	0	0%	Foothills Boulevard	0%
SCC-008	198	2%	Foothills Boulevard	2%
SCC-010	12	0%	Foothills Boulevard	0%
SCC-011	13	0%	Prospect Road	0%
SCC-020	67	1%	Prospect Road	1%
CUP-007	784	6%	Cristo Rey Drive	6%
CUP-008	1,294	10%	Foothills Boulevard	7%
			Stevens Creek Boulevard	3%
CUP-016	10	0%	McClellan Road	0%
CUP-017	3,188	25%	Foothills Boulevard	10%
			Stevens Creek Boulevard	13%
			McClellan Road	2%
CUP-008	1,339	11%	Foothills Boulevard	8%
			Stevens Creek Boulevard	3%
CUP-029	2,841	22%	Stevens Creek Boulevard	2%
			McClellan Road	15%
			Rainbow Drive	5%
CUP-032	654	5%	McClellan Road	3%
			Rainbow Drive	2%
CUP-033	2,236	18%	Stelling Road	6%
			Rainbow Drive	6%
			Prospect Road	6%

Notes:
1. Genasys Protect zone locations are illustrated in **Figure A-2**.
2. SCC coded zones are located in Santa Clara County's FHSZ.

Source: Genasys Protect; Fehr & Peers, 2025.

Table B-3: Trip Distribution Linked to Genasys Protect Zones (Scenario C)

Genasys Protect Zones[1]	Population	Population Distribution	Connected Roadways	Evacuation Trip Distribution[2]
SCC-005[3]	0	0%	Foothills Boulevard	0%
SCC-006	0	0%	Foothills Boulevard	0%
SCC-008	198	1%	Foothills Boulevard	1%
SCC-010	12	0%	Foothills Boulevard	0%
SCC-011	13	0%	Prospect Road	0%
SCC-020	67	0%	Prospect Road	0%
CUP-007	784	5%	Cristo Rey Drive	5%
CUP-008	1,294	8%	Foothills Boulevard	8%
			Stevens Creek Boulevard	0%
CUP-016	10	0%	McClellan Road	0%
CUP-017	3,188	20%	Foothills Boulevard	15%
			Stevens Creek Boulevard	0%
			McClellan Road	5%
CUP-008	1,339	8%	Foothills Boulevard	8%
			Stevens Creek Boulevard	0%
CUP-029	2,841	38%	Stevens Creek Boulevard	0%
			McClellan Road	26%
			Rainbow Drive	12%
CUP-032	654	4%	McClellan Road	2%
			Rainbow Drive	2%
CUP-033	2,236	16%	Stelling Road	5%
			Rainbow Drive	5%
			Prospect Road	6%

Notes:
1. Genasys Protect zone locations are illustrated in Figure A-2.
2. For **Scenario C**, due to road closure at Stevens Creek Boulevard at SR-85, trips assigned to Stevens Creek Boulevard under **Scenario A** were shifted to alternative roadways.
3. SCC coded zones are located in Santa Clara County's FHSZ.

Source: Genasys Protect; Fehr & Peers, 2025.

From: Rhoda Fry
To: Public Comments
Subject: 3/17/2026 City Council non-agenda Oral Communications
Date: Tuesday, March 17, 2026 7:39:20 AM

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

Dear City Council,

Recusal Request for Councilmember Mohan: Regarding Public Hearing #12 on March 17, 2026, Sheila Mohan resides within 1000 feet of the Linda Vista project and this development project could impact the value of her property. Consequently, she should recuse.

Furthermore, I'd request that you reschedule portion of the March 17, 2026 City Council Meeting – non-consent action and public-hearing items. That would be 3 items.

REQUEST FOR POLICY CHANGE:
There are about 24 council meetings per year. Many of these meetings don't have decisions. Availability of council members is well-known prior to establishing schedules. My understanding is that it was well-known that councilmember Wang would be unable to attend the 3/17/2026 meeting. While I'm not especially concerned about informational and study session items that can be viewed later, and somewhat less about consent-calendar items, I don't think that it is right that action items and especially public-hearing items should be heard when it is known well in advance that a councilmember is unable to attend. The residents voted for representation by councilmembers and the calendar should accommodate that as much as possible.

I just don't think that it makes sense to have a public-hearing item when it is known that only three or four council-members can fully participate.

I would also like to remind you that in the past, a council meeting was rescheduled by Mayor Wei for her sister-city trip to Taiwan (and the City Manager) at very short notice. And it was rescheduled at the same time as a previously scheduled Planning Commission meeting. So two meetings were rescheduled for the Mayor. Other meetings were rescheduled multiple times in the past.

Consequently, I respectfully request that the public-hearing and hopefully the two action items, be deferred to another day and that consideration is made to availability of council members when setting the meeting calendar.

Regards, Rhoda Fry

From: Ying Dillaha
To: City Council; Tina Kapoor; City Clerk; Luke Connolly; Benjamin Fu; Chad Mosley
Subject: No to rat poison use
Date: Tuesday, March 17, 2026 5:57:14 PM

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

Dear City Clerk,

Please include the below in written communications for the upcoming city council meeting.

==

Good evening everyone,

I want to talk about something small that causes enormous harm—rat poison.

At first glance, it seems like a simple solution. You have a pest problem, you put out poison, and the rats disappear. Problem solved, right?

But what actually happens is far more disturbing—and far more dangerous.

Most rat poisons used today are what's called second-generation anticoagulant rodenticides. These are designed to be extremely potent. They don't kill instantly. Instead, they cause internal bleeding. The animal slowly hemorrhages from the inside. It becomes weak, disoriented, and thirsty. It can take days to die.

Days.

That poisoned rat doesn't just disappear—it becomes easy prey.

Owls, hawks, foxes, snakes—even our pets—hunt weakened rodents. But when they eat that poisoned rat, the toxin transfers into their bodies. And the same slow, gruesome death begins again.

An owl—one of nature's best natural pest controllers—might eat multiple poisoned rodents. The poison builds up. Soon, it can't fly

properly. It starves, or bleeds internally, just like the rat.

So instead of solving a problem, we create a cascade of suffering across the entire food chain.

And here's the irony: by killing off predators, we actually make the rodent problem worse. Fewer owls and hawks mean more rats in the long run.

This isn't just an environmental issue—it's a community issue. Pets are at risk. Children can be exposed. And our local ecosystems are quietly being damaged.

That's why I'm calling on the City of Cupertino to take action.

We need education—clear, accessible information that helps residents understand the real impacts of rat poison and the safer alternatives available.

We also need to make sure people are aware of the laws already in place. California has taken steps to restrict the most dangerous second-generation rat poisons, yet many residents still don't know what is legal, what is restricted, or why these rules exist.

And we should consider stronger local action—whether that's additional guidance, outreach, or further limits on the use of these high-risk poisons.

Because there are better solutions.

Sealing entry points. Managing waste properly. Using humane traps. Supporting natural predators like owls by installing nesting boxes.

These approaches don't just react—they prevent. They work with nature, not against it.

So next time we think about using rat poison, we need to remember:

We're not just killing a rat.

We're potentially killing an owl, a hawk, a fox—and damaging the balance of our entire ecosystem.

And we’re doing it in one of the slowest, most painful ways imaginable.

We can choose a smarter, more humane path.

And I urge Cupertino to lead the way—with education, awareness, and responsible action.

Thank you.

Ying Sosic

Cupertino Resident

CC 3-17-2026

#1-Study Session

Housing Development at 10333 N. Wolfe Rd.

Written Communications

From: Steven Liao
To: Public Comments
Subject: Urgent Opposition to Opening [Wall/Access Point]
Date: Sunday, March 15, 2026 7:38:08 PM

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

To the Honorable Mayor and City Council Members,

I am writing to strongly urge the City, County, and CalTrans to utilize **Wolfe Road** for secondary emergency access and to formally reject any proposals to open the existing wall or create through-traffic access at N. Blaney Ave, Merritt Dr, or Vista Dr.

My opposition is based on the following critical concerns:

Pedestrian Safety: N. Blaney Ave and Merritt/Vista Dr serve as the primary conduits for students attending **Collins Elementary** and **Lawson Middle School**. Opening this access would introduce significant traffic to areas heavily populated by walking and biking children safety are at risk

2. **Traffic Gridlock:** These residential streets are already burdened by school-related congestion. Adding regional cut-through traffic would result in total gridlock, hindering residents and potentially delaying the very emergency services the project intends to assist.

3. **Superior Alternative:** Wolfe Road is a secondary arterial

specifically designed for higher traffic volumes and provides a safer, more efficient route for emergency access without compromising school zones.

I request that the council prioritizes the safety of our children and the integrity of our neighborhoods by maintaining the current sound wall and focusing access improvements on major transit corridors.

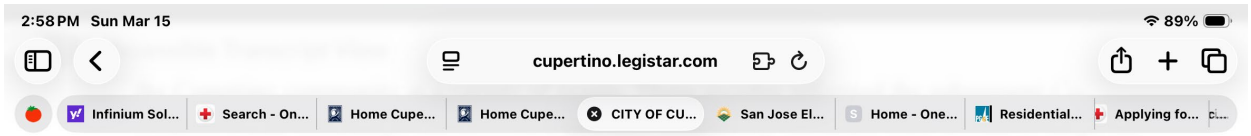
Sincerely

Steven (Resident)

From: Stuart Yahoo
To: Public Comments
Subject: Notes on study item 26-14827
Date: Sunday, March 15, 2026 3:39:35 PM
Attachments: image.png

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.

In County's minutes: see page 3, Why not focus attention on bikeway along sound wall. What about Junipero Serra Channel, bikeway (this will take students to both elementary and middle school). Let's not put kids on street where there isn't crossing guards. The bike group feedback was from out of the immediate area and may not appreciate a path like Regnart trail. This will be a class 4 bikeway and not have students going on the streets sooner. Don't break the covenant on the wall.



design in meaningful and relevant ways, based on those priorities. During the Co-creation Phase, we confirmed the requirement for a distinct secondary emergency access to the site with the Santa Clara County Fire Department. Until this point, community members had not voiced any existential issues with the proposed project. However, discussions around a potential emergency connection at Auburn Drive through the wall along the shared property line raised concerns among neighbors, prompting heightened community interest.

In response, we held additional listening sessions with North Portal neighbors and postponed our final co-creation workshop to ensure these perspectives were fully considered. We largely heard that the neighbors did not support any connection through the wall. This input sparked an alternative call from the broader community for a public bike and pedestrian connection through the existing wall.

A full summary of the community engagement efforts are documented in a Community Engagement and Impact Report published on the project website, which is part of the *Accountability Phase* https://www.wolferoadhousing.com/home/#CommunityEngagement.

Since the initial kick-off in 2024, this project have formally hosted over 27 engagement sessions in addition to numerous informal email and conversation updates and discussions with stakeholders and the community.

Project Status and Next Steps

The County worked closely with the property owner and the City to include the property as an opportunity site in the Housing Element

Stuart Chessen
Portal - Auburn - Drake Block Leader

From:	E. Poon
To:	City Council; City of Cupertino Planning Commission; Cupertino City Manager"s Office; Piu Ghosh (she/her); City Clerk
Subject:	Cupertino Evacuation Route Capacity (in DRAFT Health and Safety Element)
Date:	Friday, March 13, 2026 12:30:38 PM

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.

Subject: URGENT: Integrating the Active Transportation Plan with Wildfire Evacuation Studies

Dear Mayor, Councilmembers, and Planning Staff,

I read from the City Manager's Newsletter that March 13 is the last day of comments for the DRAFT Health and Safety Element. The Cupertino Evacuation Route Capacity, or the Wildfire Evacuation Route Study, is part of that draft. I like "Wildfire Evacuation Route Study" as it needs no further explanation.

I am writing to express a critical concern regarding the lack of apparent coordination between two of Cupertino's major planning efforts: the **Wildfire Evacuation Route Study** and the **Active Transportation Plan (ATP)**.

While both initiatives aim to improve public safety, their physical implementations may be at odds. As the city may consider installing Class IV protected bike lanes on Stelling, Blaney and Finch, we must ensure that these permanent modifications do not inadvertently turn our evacuation routes into inescapable bottlenecks.

The Conflict: Capacity vs. Protection

The ATP's proposal for Class IV protected lanes often involves permanent concrete barriers or curb separators. While beneficial in some ways for daily cyclist safety, these features can:

- **Restrict Roadway Elasticity:** During an evacuation, every inch of asphalt is vital. Fixed barriers prevent the temporary use of the full roadway width for multi-lane egress.
- **Hinder Emergency Response:** Narrower lanes and physical dividers can limit the maneuvering space required for fire engines and ambulances to bypass stalled traffic.
- **Solidify 1950s Constraints:** Our street network was designed for mid-century suburban access, not 21st-century disaster egress. Adding rigid infrastructure to these aging layouts without an evacuation "stress test" is a significant risk.

Localized Concerns

The Fehr and Peers Evacuation Study highlights harrowing projections, such as the **3 to 4-hour evacuation estimate** for the bottleneck at **Foothill Expressway and McClellan Road**. Furthermore, the school cluster (Monta Vista/Kennedy/Lincoln) off **Bubb Road** presents a unique nightmare scenario where parents rushing *in* to collect students will collide with

residents trying to get *out*.

In any major evacuation, every street will be impacted. We can be sure of that.

Recommended Actions

To ensure a safe, coordinated future for Cupertino, I respectfully request that the City:

1. **Do its own Cross-Consultant Review:** City Council can review the Wildfire Evacuation and ATP proposals regarding our streets. Or the review can be done by staff, since they are finally responsible for measurements and street plans.

2. **Conduct Evacuation Modeling:** Use traffic simulation software to model how proposed Class IV bike corridors perform under "full-city" evacuation loads.

3. **Explore Flexible Protection:** Evaluate high-visibility, "knock-down" bollards or mountable curbs that provide daily protection for cyclists, and allow emergency vehicles to move along the streets without fixed impediments in a crisis.

We should not have to choose between a bikeable city and a survivable one. I urge the Council to ensure these two safety goals are balanced through integrated, data-driven planning. Thank you for your attention.

Regards,
Emily Poon
Resident since 2007

From: Dennis Park
To: City Council; City Clerk
Subject: Sound Wall Preservation regarding Wolfe Housing Project
Date: Monday, March 16, 2026 3:03:10 PM
Attachments: PETITION package-N Portal Sound Wall stamped received.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 Mayor Moore, Council Members, and City Clerk,

I'm Dennis Park, a resident of the N Portal community. Regarding the Study Session for the Eden Housing (Housing Development Project at 10333 N Wolfe Rd), I would like to remind you about our Petition opposing the opening of the Sound Wall (attached). Since the petition is submitted nearly a year ago, we have not received meaningful updates about the plan for alternative emergency exit, other than the stakeholders are trying to engage with CalTran on this matter. We want this clearly addressed in the Study Session. Thank you Dennis

March 18, 2025

Cupertino City Council
10300 Torre Ave.
Cupertino, CA 95014

Subject: Submission of Petition Opposing the Opening of the N. Portal Sound Wall

Dear Mayor Chao, Vice Mayor Moore, and Councilmembers Fruen, Mohan, and Wang,

We are writing on behalf of the residents of the Portal neighborhood to formally submit the attached petition, signed by over 500 community members, opposing any proposal to open the Sound Wall separating N. Portal from Wolfe Road Housing development and The Rise.

As detailed in the petition, the opening of the sound wall would significantly impact the character, safety, and livability of our neighborhood. The scale of the adjacent development—introducing over 3,000 residential units, nearly 2 million square feet of office space, and hundreds of thousands of square feet of retail—necessitates careful planning to mitigate adverse effects on surrounding residential areas. The Sound Wall has long served as a critical buffer, preserving the integrity of our R-1 zoned neighborhood by preventing excessive traffic, noise pollution, parking overflow, and security concerns.

The strong community response reflected in this petition underscores the deep concerns shared by our residents. We urge the City Council to uphold existing zoning protections, honor the long-standing covenant maintaining the sound wall, and conduct thorough environmental and traffic impact assessments before considering any changes that could fundamentally alter our neighborhood.

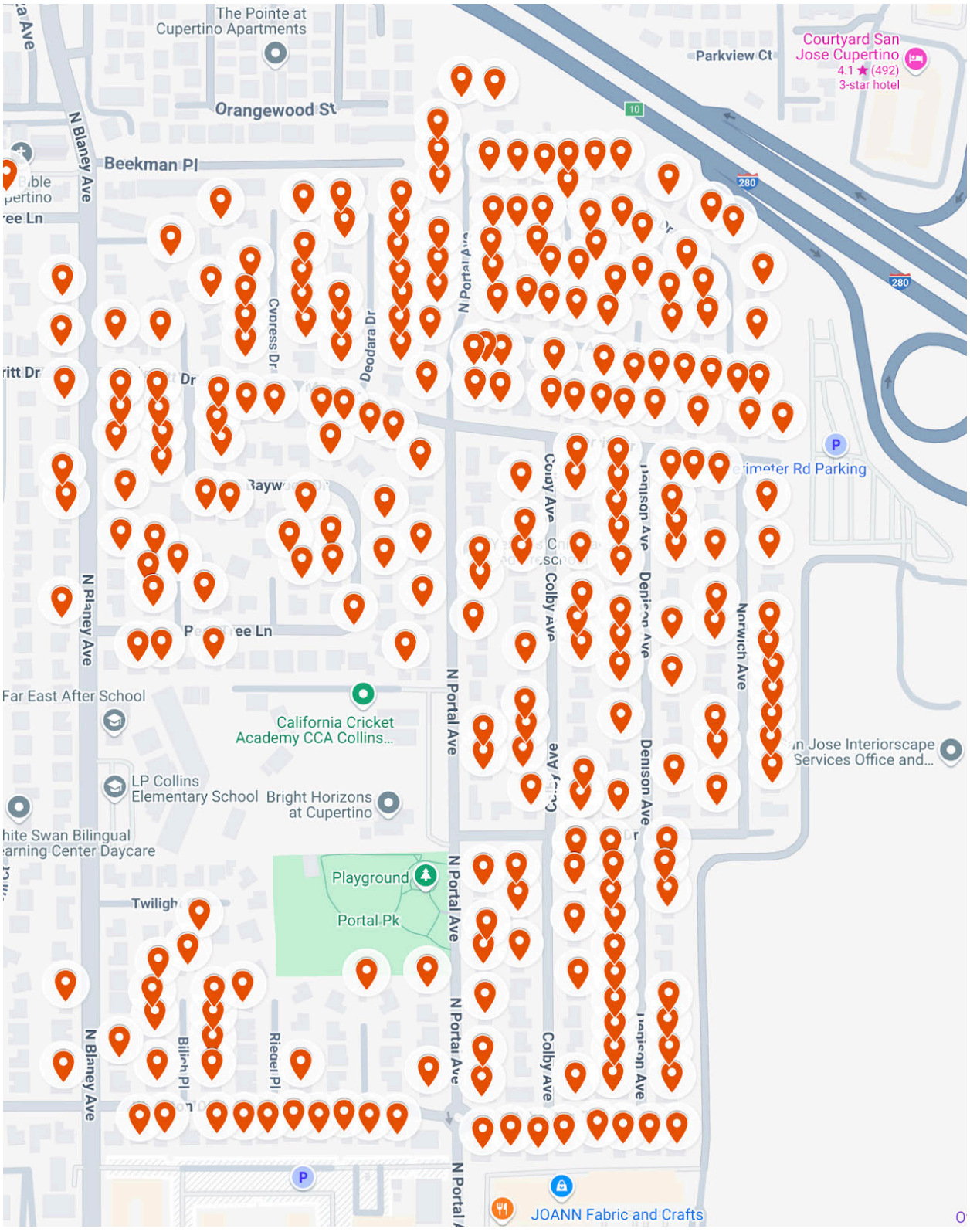
We appreciate your time and attention to this matter and welcome the opportunity to engage in an open dialogue to explore alternative solutions that support urban connectivity without compromising community welfare. Please feel free to reach out if further discussion is needed.

Thank you for your consideration.

Sincerely**,**

North Portal Neighborhood

Each RED DOT represents ONE OR MORE signatures.



PETITION opposing opening the N. Portal sound wall

March 8, 2025

Cupertino City Council
10300 Torre Ave.
Cupertino, CA 95014

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

We, the undersigned residents of the Portal neighborhood, respectfully ask the City of Cupertino to reject any proposal to open the sound wall separating the N. Portal residential area from *The Rise and Wolfe Road Housing* development.

This combined development introduces an unprecedented density to our community, with over 3,000 residential units, 1.95 million square feet of office space, and 429,400+ square feet of retail space. Given the scale of this project, maintaining the sound wall is critical to preserving the character, safety, and livability of our neighborhood.

Key Concerns:

- **Preservation of Neighborhood Character & R-1 Zoning** – Our community is zoned R-1 to ensure privacy, compatibility, and a low-intensity residential setting. Given the scale of the development, opening the sound wall would dramatically increase foot and vehicle traffic, undermining the very zoning protections that safeguard single-family neighborhoods.
- **Traffic & Safety** –Increased cut-through traffic—whether by vehicles, bicycles, or pedestrians—poses a significant safety risk, particularly to children and seniors. The surrounding streets were not designed to absorb additional congestion, and an open sound wall would exacerbate these hazards.
- **Sound Wall Protection & Established Covenant** – The sound wall exists due to a long-standing covenant designed to mitigate noise and traffic impacts from adjacent high-density developments. Opening it would reverse its intended function, increasing noise pollution and reducing residents' quality of life.
- **Parking and Overflow Concerns** – The Rise and Wolfe Road Housing projects lack sufficient parking to accommodate their own residents and visitors. Without proper enforcement of Cupertino's municipal code regarding zoning buffers, our neighborhood will face unmanageable parking overflow.
- **Existing Alternative Connectivity Options** – The Tamien Inu Trailhead and Class IV bike lane along Stevens Creek Boulevard already provide safer, designated routes for pedestrians and cyclists. Given these alternatives, opening the sound wall is unnecessary and ineffective in enhancing connectivity.

- **Security & Privacy** – Unlike enclosed apartment complexes, our neighborhood relies on limited access points for safety and privacy. Opening the sound wall would increase the risk of trespassing and property crime, negatively impacting residents' sense of security.
- **Lack of Traffic & Environmental Study** – To date, no formal study has been conducted to evaluate the environmental and traffic impact of opening the sound wall.

Our Request:

- We ask the City to reject any proposal to open the sound wall and instead explore alternative solutions that support connectivity without compromising neighborhood safety and character.
- We request formal documentation and enforcement of the long-standing covenant preserving the sound wall, as recognized during the site's earlier development.
- We welcome an open dialogue with city officials to collaboratively find solutions that serve both community interests and responsible urban planning.

Thank you for your time and consideration.

Sincerely,

The Undersigned Residents of the Portal Neighborhood

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

We, the undersigned residents of the Portal neighborhood, respectfully ask the City of Cupertino to reject any proposal to open the sound wall separating the N. Portal residential area from *The Rise and Wolfe Road Housing* development.

This combined development introduces an unprecedented density to our community, with over 3,000 residential units, 1.95 million square feet of office space, and 429,400+ square feet of retail space. Given the scale of this project, maintaining the sound wall is critical to preserving the character, safety, and livability of our neighborhood.

PRINT Name	PRINT Address	Signature
RANJIT DHAMAN	[redacted]	
[redacted]		
Patricia Soul		
Sharon Hornung		
Mei Chen		
ZHURU ZHANG		
Nandini Arkalgud Sundar		
Jueeli Dahake		
Iren Lee		
RAMESH NAIR		

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

We, the undersigned residents of the Portal neighborhood, respectfully ask the City of Cupertino to reject any proposal to open the sound wall separating the N. Portal residential area from *The Rise and Wolfe Road Housing* development.

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PRINT Name	PRINT Address	Signature
CAROLINE HSU	[redacted]	
JICHENG YE		
XIAO XIAO		
YATIN NAYAK		
PRIYA NAYAK		
DONNA CHAN		
Lynn R. Toma		
Martha Woo		
Charles Kunze		
Teng Li 2		

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

We, the undersigned residents of the Portal neighborhood, respectfully ask the City of Cupertino to reject any proposal to open the sound wall separating the N. Portal residential area from *The Rise and Wolfe Road Housing* development.

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PRINT Name	PRINT Address	Signature
STUART CHESSEN	[redacted]	
Debi Chessen		
Bonnie Fredricks		
CLIF FREDRICKSON		
Mindy Cheng		
Suresh Balasubramanian		
Ranjita Pawar Prashant Hedao		
LINDA CHEUNG		
Wayne Wu		
Murat Baloglu		

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

We, the undersigned residents of the Portal neighborhood, respectfully ask the City of Cupertino to reject any proposal to open the sound wall separating the N. Portal residential area from *The Rise and Wolfe Road Housing* development.

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PRINT Name	PRINT Address	Signature
Vijayalakshmi Prakash	[redacted]	
MANISHA BERDE		
LiLi Lin		
IAN KWAN		
RAHUL VADODKAR		
CURTIS SJAVANG		
Rajeev Joshi		
Varsha Joshi		
Sanjay Chitkapilly		
DaChing Wu		

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

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PRINT Name	PRINT Address	Signature
SRIDHAR BOINAPALLY	[redacted]	
PRABHA KRISHNASWAMI		
Victor Chen		
Richard Williams		
AnuSharma		
Mustafa Yazgan		
Jeffrey Tsang		
TODD KUSHNIR		
VENKATESH APPANNA		
Yesha Suchday		

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

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PRINT Name	PRINT Address	Signature
AMANDA CHAM	[redacted]	
PADMA AKELLA		
PRANAV BHUSHAN		
ADITYA SHARMA		
MUZYA YAZGAN		
Star Kushnir		
JIANYU ZHA		
DEBANJAN MUKHERJEE		
MAHESH PUJARA		
AIAN GUINN		

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

We, the undersigned residents of the Portal neighborhood, respectfully ask the City of Cupertino to reject any proposal to open the sound wall separating the N. Portal residential area from *The Rise and Wolfe Road Housing* development.

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PRINT Name	PRINT Address	Signature
ALEXANDER KERR	[redacted]	
Prakash Sripathy		
Janet Brewer		
Pankaj Barde		
Kay Ide		
Lalit Jain		
Bhagyashree R. Vadodkar		
Kent Chang		
DAN IVERSON		
Laima Baltusis		

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

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PRINT Name	PRINT Address	Signature
AKILA KANNAN	[redacted]	
RAJ TUPLUR		
ANANT. G		
JULIE YE		
VIDYA SUBRAMANIAN		
YONGDA YANG Dani		
Ansheng Liu		
Lele Chen		
VERONICA LAM		
VENKAT RANGANATHAN		

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

We, the undersigned residents of the Portal neighborhood, respectfully ask the City of Cupertino to reject any proposal to open the sound wall separating the N. Portal residential area from *The Rise and Wolfe Road Housing* development.

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PRINT Name	PRINT Address	Signature
Jennifer Leu	[redacted]	
HOWARD GANNES		
Ashish Sharma		
Jiang Chen		
Anna Ullman		
Richard V McGrath		
BHASKAR JAYANTH		
Steven Liao (Chien)		
David Hindi		
Navinkumar Shetty		

11

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

We, the undersigned residents of the Portal neighborhood, respectfully ask the City of Cupertino to reject any proposal to open the sound wall separating the N. Portal residential area from *The Rise and Wolfe Road Housing* development.

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PRINT Name	PRINT Address	Signature
TSUNG CHUAN WHANG	[redacted]	
STEVE LOU		
Shou-Po Shih		
MEENAKSHI SHARMA		
Diane MORAN		
Joyce Ren		
Swathi Gorla.		
Judy Chan		
Prabha V		
Emily R. Gannes		

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

We, the undersigned residents of the Portal neighborhood, respectfully ask the City of Cupertino to reject any proposal to open the sound wall separating the N. Portal residential area from *The Rise and Wolfe Road Housing* development.

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PRINT Name	PRINT Address	Signature
Richard Ullman	[redacted]	
Girija Joshi		
Jennifer Ishii		
John Ishii		
Hsiang-Chun Chen		
Jessica Chen		
Linh D. Ngo		
Li Yu		
Deb Cadiroli		
Su Cumine		

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

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PRINT Name	PRINT Address	Signature
Kelly Burris	[redacted]	
MARK PAPAS		
KARIN PAPAS		
Srini Dharmaji		
Pei Chen		
Teresa Stalang		
Nirmoj Patil		
Neeraja Jeera		
Sham Kandur		
JOHN FREY		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
GIUSEPPINA BLANCHIN	[redacted]	
Suzanne Trudeau		
Mulan Tang		
Sagheer Ahmad		
William Zhang		
RICK WONG		
Jeanette Mardesich		
Chih-Chung Chen		
Shu-Li Wu		
Jimmy Gao		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Kai Guo	[redacted]	
HONGWEI DUAN		
Liz Wong		
JOYCE CHEN		
Joseph Chen		
ALVIN CHAM		
Antara R		
Adesh Kumar		
Jui Pu Hung		
NAVEEN MOTWANI		

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

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PRINT Name	PRINT Address	Signature
Janice M. Ishii	[redacted]	
Qian Wang		
Xiangyang Jiao		
Jen-Hao Chen		
Munchoon Seethe		
Shawn Yang		
DON CHAN		
MILIND WAGLE		
EDEN CARSE		
Abhay Joshi		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Jian Lin KANG.	[redacted]	
Nicholas KANG		
Ya Li Chang		
Huanlong Liu		
Yuhang Li		
PAVITHRA SATYANARAYA		
Alexandra Furey		
VIKRAM NAYAK		
Eric Ho		
HARISH BABU		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
John Chang	[redacted]	
Helena Chang		
Henry Kang		
VENKAT RAMACHANDRAN		
Kalyani Venkat		
Alice Yu		
Yuping Wang		
Thomas Yu		
Louis Ah		
Sandra Ah		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Yinhong Chen	[redacted]	
Yong Yang		
[illegible]		
Carl Hampe		
HSIEOYIEN HAMPE		
Rainie Zha		
Sun Lee		
SCOTT FUREY		
SWATHI RANGARAJAN		
SANJAY RANGARAJAN		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Marcia ~~and Louie Alicea~~	[redacted]	
Staci Yee		
Roberta Yee		
Wendell Yee		
LOUIE ALICEA		
Iosif Harutyunov		
SHANTANU PATWARDHAN		
ASILATA PATWARDHAN		
ALOK RATHORE		
Ruthy Hang		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Lin Shen	[redacted]	
Lloyd Martin		
Chandana Avula		
Bhava Avula		
Yea Liang		
David Pappachan		
Julie Martin		
Siva Gandikota		
Pradnya Goil		
Sanjay Goil		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
HANH B. NGO	[redacted]	
Thomas L. Roellig		
Beth Roellig		
Neelu Mody		
Gautam Mody		
MY VAN		
Mie Nozawa		
Longching Yeh		
Su ting Yeh		
Irene Sellapandian		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Xiaoling Xu	[redacted]	
Wei Liu		
Terrence Rodrigues		
Cecilia Chang		
Andrea Rollig		
Asiia Mosiagina		
SANTANU SEN		
Preyta Hang		
Vinay Aurad		
Parul Rawal		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
MAY M. FONG	[redacted]	
FRANK Q. FONG		
ROLF BREUER		
VALERII MOSIAGIN		
Juanita Davis		
Marc Romankewicz		
Kinney Wong		
Karen Wong		
JEAN HUANG		
CHIH-LUNG HUANG		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Bala Thyagarajan	[redacted]	
HENG LIU		
Sue Langemak		
Mingsong Dou		
JAMES LANGEMAK		
Kristofer Hugunin		
Louise Hugunin		
Hsiao Pei Tseng		
Scott Chou		
Jolene L. Mardesich		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
LESLIE VAN	[redacted]	
MY THU VAN		
CUONG VAN		
Linda Ma		
Sean Romankewicz		
DUC LONG NGUYEN		
Robin Dean		
Ray McKinnie KAY KINNEAR		
Peter Chan		
JIM MEEK		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Catherine Nguyen	[redacted]	
Kim Dang		
SASHI BEGUR		
Susan Moore		
Norm Eliason		
PAM YEARY		
Anne Harris		
HERB YEARY		
KAYLANCO		
Pamela Hooke		

PETITION opposing opening the N. Portal sound wall

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We, the undersigned residents of the Portal neighborhood, respectfully ask the City of Cupertino to reject any proposal to open the sound wall separating the N. Portal residential area from *The Rise and Wolfe Road Housing* development.

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PRINT Name	PRINT Address	Signature
KEIKO MEE	[redacted]	
JEAN LEE		
Ami Huang		
Yuan Ge		
Vik Mehta		
Wei Zhao		
Ying Sheng		
KENNETH LEE		
Aurea Porciuncu		
William Hershey		

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

We, the undersigned residents of the Portal neighborhood, respectfully ask the City of Cupertino to reject any proposal to open the sound wall separating the N. Portal residential area from *The Rise and Wolfe Road Housing* development.

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PRINT Name	PRINT Address	Signature
MIASATO KAIDA	[redacted]	
MARGARET KAIDA		
Cindy Chen		
SHENYU REN		
XING HUANG		
Ed Puccinelli		
Lynn Puccinelli		
BRIAN CLEVELAND		
John M. Cleveland		
Brian Ng		

PETITION opposing opening the N. Portal sound wall

Dear Mayor Chao, Vice Mayor Moore and Councilmembers Fruen, Mohan and Wang,

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PRINT Name	PRINT Address	Signature
SUNEETA HARISH	[redacted]	
Avyukth Harish		
SAPNA RAMESH		
AJAZ MEMON		
Mary Coprivitza		
Michael Coprivitza		
MICHAEL GIANAK		
PATRICIA GIANAKS		
BOBBY MAGAMI		
Crystle Magami		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Sandhya Jain	[redacted]	
Sapan Bandi		
NAMITA GUPTA		
Gautam Gupta		
Shiven Gupta		
Jay Zhang		
Ajko & Ceplin		
Arianna Chessen		
Jaclyn Chessen		
Rashmi R		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Atsuko Frey	[redacted]	
Lesav Mulgaun		
MICHAEL RONTERIA		
NITI SHARMA		
Glen Graves		
Pallavi Shetty		
UDAY RAYALA		
CHITRA ARUGAKEERTHY		
SRIDHAR DORAISWAMY		
Jason Jasicki		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	[redacted]
Shiva Gupta	
Ekshan Gupta	
Namita Gupta	
Alok Gupta	
Ezendi Chilcott	
PEIDER TSENG	
Margaret Griffin	
Terry Griffin	
RAJNISH RANJAN	
Hemavani	

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Xiaofeng Lin & Iris Li	[redacted]	
Barbara Kopels		
Raj KRISHNAMURTHY		
Joan Chin		
Wayne Chin		
ASHISHI RAY		
Sharon Zuccaro		
SRIVIDHYA VENUGOPAL		
Yin Chen		
Weiyin Huang		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Hangiong Pan	[redacted]	
Yinying Pan		
Jiaoyu Yang		
EDWARD D. ROGALSKI Edward D Rogalski		
Hueyfen Lai		
Ana Dragojevic		
ZULESKA DRAGOSEVIC		
MIROSLAV DRAGOSEVIC		
Susan Moore		
Diane Jeanette Moore		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
GLENDY HU	[redacted]	
Patricia Han		
Nien-Yuan Chin		
ALVIN CHEN		
Juehong Li		
SIVA PANCHANATHAM		
LAURA WILLIAMS		
GLORIA CASTRO		
Weijie Shen		
Suchen Chang		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Dennis Park	[redacted]	
Xuerbin Lue		
Margaret Young		
Nag Medida		
ISHA BERDE		
Lakshmi. K.		
RALPH A LUNO		
Lan Chen		
Kavitha Sompalli		
Hareesh Pattipati		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
WESLEY YOUNG	[redacted]	
NARAYAN LAKSHA		
QIU YUAN HUANG		
MARYANNE CASELLI		
KA[illegible] RAJU		
Jayashree Venkatachala		
Yuan Chen		
GAURAV BATRA		
Thoon Meng Moi		
Ooi Boon Keat		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
GRACE KING	[redacted]	
SHWETA MEHTA		
STEVEN BROOKS		
Nutan Ramdeyal		
Abhishek Vyas		
Swati Dadhich		
Pooj Dua		
RONALDS. CASELLA		
DEBANJAN CHAKRABARTY		
Derek Chen		

40

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Gloria Orosco	[redacted]	
MARIE L. Nolette		
Helen Gross		
Patricia Barth		
Hayley Lm		
Rita Sauvage		
Prateek Mulmeelkar		
ANUSHA THARMA		
E-C ONG		
SUBRAMANI. R.		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
GLORIA YOUNG	[redacted]	
TAK YOUNG		
Patricia Han		
Alvin chen		
Ronald Lee		
Phyllis Quinn		
Wei Chen		
Yoon Choi		
MALLESWARI NARAYAN		
DONG YANG		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Aparna Sayani	[redacted]	
MANAV KHATRI		
Garima Sharma		
Dhalya Nathan		
KIYEON OH		
Akshay Prabhu		
Phillip Parks		
Bhavin Mehta		
Shweta Mehta		
Ramanathan Sampath		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Zhelong Pan	[redacted]	
Anuradha Nayarapp		
Subramanian Nagarajan		
Andrew Chen		
MURALI KOTTE		
ARHI BHADDURIY		
THILAGAVATHY M		
PRASHANTH REDDY		
VIJAY RAGHUNATHAN		
AISHI VIJAYARAGHAVAN		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Kathy Young	[redacted]	
Jeremy Elberg		
Olivia Ho		
Wendy Sefton		
Tina Mecchi		
Jake Mecchi		
Michelle Renteria		
Jamie Lee		
Cathy Phipps		
Ranjita Pawa		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Ravi RAMACHANDRAN	[redacted]	
BALAJI GURUJAN		
Deepa Kamath		
Jaidev Prabhu		
Bingjie Song		
Usha Nair		
Raj Gayana		
Bhagabathy Sankara		
JOE HANLON		
Sam Zuccaro		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
NAMRITA GROVER	[redacted]	
RAHUL GROVER		
ARADHNA GROVER		
PRAVEEN GROVER		
PRACHI S BABU		
SUNNY MALIK		
Ming-Jan Tsang		
AUON AKHTAR		
MAHRUKH ANAM		
Scott Putterman		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
KEVIN WALL	[redacted]	
Tracey Ballard		
PRASHANT GOKHALE		
Mingfeng chang		
Sirong Chang		
JARMO CHEN		
Edna CHEN		
Payman Aminzadeh		
Karie Lingg		
Holly Holt		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Shio-Duan Che	[redacted]	
Ma-chi Chen		
Yike Wang		
Sai Medida		
SAMEER JAIN		
DEEPIKA JAIN		
Shailendra Jain		
Erin Labmeier		
Jennifer Shaffer		
VINOD BALAKRIS		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
VIRGINIA SCHOGER	[redacted]	
Hiromi Okazawa		
Richard Tsang		
Huiqing Wang		
DEEPA JAIN		
Bengi Yeghiyan		
Aahana Swamy		
Ranju Rajan		
Manju Gupta		
VIJAY GUPTA		

50

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
JOY DUNN	[redacted]	
Steve Maciaszek		
Sonal Solanki		
Vimal Solanki		
Rita Solanki		
Kamla Solan		
Nikki Solanki		
Hersh Solanki		
CHITHKALA JAYARAMAN		
NINIVA RAY		

51

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Kelly Heuschkel	[redacted]	
Simon Ho		
Wen Ling Chang		
Cassie Ho		
Mike Chen		
Vania Fang		
MOHINISH VINNAKOTA		
TERRY GRANT		
Monika Khare		
Masao Yoshimura		

52

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Li Xu	[redacted]	
Sailesh Tuplur		
Walter Wilser		
CAROL L. WILSER		
Monique Mulka		
RYAN MULLEN		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Sue Chao	[redacted]	
Yinshing Chang		
Xiaofeng Lin		
Julian Lin		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Taoying Yan	[redacted]	
Masako Kimura		
Jacqueline Yau		

55

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Jinling Yen	[redacted]	

56

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Zhenxing Xie	[redacted]	
Yue Lin		
Lai Yufen Whang		
HUI LING KUO		
Edmund Lee		
Helen Lee		
Je-Hurn Shieh		
Yo-Lan Chang		
Jennifer Shieh		
Chuang		

PETITION opposing opening the N. Portal sound wall

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PRINT Name	PRINT Address	Signature
Sudha Gandikota	[redacted]	[redacted]
Nikhil Gandikota		
Randy Carroll		

58

From: Debbie Timmers
To: Public Comments; City Council; City Clerk
Subject: Eden Housing (Special Meeting - Study Session)
Date: Monday, March 16, 2026 3:57:41 PM

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 Mayor Moore, Vice Mayor Chao, and Councilmembers,

I am a Cupertino resident with grandchildren at Stevens Creek and Kennedy Schools. I fully support the Eden Housing plan and hope that you will accept the staff proposal. Many teachers, who are now retiring, were able afford to live here. However, now they are being replaced by recent graduates who cannot. They simply do not earn enough money to purchase or rent in the area, and many have to live an hour away! For this reason, it is hard for them to stay after school to help kids or work on after-school programs. I want my grandchildren to have the same enriching after-school experiences (clubs, sports, etc.) that I had.

It is also important to note that this is a Housing Element site. As Cupertino is not yet meeting its State goals, this would help to pull us out of the deficit, especially since this involves below market rate housing.

Please approve this plan. We want the best for our kids!

Debra Timmers

From: Alex Shoor
To: City Council; Public Comments; Benjamin Fu; Jelani Mora; victoria@architectsfora.com; info@wolferoadhousing.com; jared.Nolan@edenhousing.org; isaiah.mays@edenhousing.org; Sarah Vaccaro; gabriella@architectsfora.com; nicole@engagefora.com
Cc: info@catalyzesiliconvalley.org; cupertinoforall@gmail.com
Subject: from Catalyze SV: PUBLIC COMMENT - STUDY SESSION AGENDA ITEM 1 - March 17, 2026
Date: Monday, March 16, 2026 3:57:36 PM

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.

CATALYZE SV

Dear Cupertino Mayor Moore, Cupertino Councilmembers & the County of Santa Clara Office of Supportive Housing,

I write to you today on behalf of the members of Catalyze Silicon Valley with respect to tomorrow's study session.

Background on Catalyze SV:
Catalyze SV is a local nonprofit organization that has existed since 2017, with members from across our region, including in Cupertino.

Our goal is to create sustainable, vibrant, and equitable places for people in Silicon Valley. We do that through programs like community education events, community engagement services, and policy advocacy.

Another program of ours, one of our foundational ones, is advocating around specific development proposals. For the last decade, our members have evaluated, scored, and advocated for over 70 proposed projects in Silicon Valley.

Our Members Score and Now Support Wolfe Road Housing Project:
In September 2025, we joined with Cupertino for All to score our first-ever project in Cupertino — the Wolfe Road Housing proposal — because we believe it is one members from both our respective organizations would like to see as a key addition to Cupertino.

Sure enough, when our members gathered together to evaluate the project, we rated it highly.

- Catalyze SV members scored it a 4.14 out of 5.
- Cupertino for All members scored it a 4.67 out of 5.

Any project scoring 3.5 out of 5 or higher is eligible for our support. So on behalf of Catalyze SV and our members, I write to tell you that our organization joins Cupertino for All in enthusiastically supporting the Wolfe Road Housing project being built!

Features We Really Like about the Current Design:

- Interfaces with the planned Tamien Innu Trail on its edge
- Includes a resident-serving playground and a dog park
- Has a higher number of bike parking spaces
- Includes a lot of affordable housing
- Retains as many trees as possible

Improvement Developers Made After Our Input:
We're grateful to the development team for adding solar panels to the roof of Building 7 of the proposal, which is in line with one of our recommendations.

Features We'd Still Like to See Improved:
As you consider and discuss the project at tomorrow's study session, we'd like to invite the Cupertino City Council and the development team to support the following improvements to the proposal before it is finalized:

1. An emergency vehicle plan that enables people to walk and bike between this new development and the Portal neighborhood, not walling it off from the neighborhood. This is something only the Cupertino City Council can actualize, so we urge you to make it so!

2. Because of how hard it is for folks making less money to secure stable housing, we want the housing units to be as affordable as possible, ideally for folks making 80% or less of our area median income, which is currently about $111,000.

3. We'd prefer to see the project include more homes overall by increasing its density/height. We need all the homes we can get in this Valley!

4. To encourage walking, biking, and public transit, we urge you to add more crosswalks, protected bike lanes, and/or free transit passes for residents.

Please help ensure the above 4 improvements are made through your words and/or deeds.

Public Land Standard:
Since this project is on public land we all own, our government needs to ensure the project has the most positive impact possible. The bar for a project must be higher when it is land owned by the taxpayers.

Our Ask of You:
So at tomorrow's study session, we urge the Cupertino City Council:

a) echo the aforementioned input of Catalyze SV members / Cupertino for All members to the County; and

b) update the vehicle emergency plan by allowing bikes and pedestrians to pass through the wall.

Thank you so much for considering our perspective, Catalyze SV is grateful that Cupertino and the County are advancing Wolfe Road Housing forward.

Yours in community,
Alex

--
Alex Shoor
Executive Director | Catalyze SV
www.CatalyzeSiliconValley.org
Schedule time w/Alex

From:	Peggy Griffin
To:	Public Comments; City Council
Cc:	City Clerk
Subject:	2026-03-17 City Council Study Session - Item #1 Wolfe Road Housing-DO NOT OPEN WALL
Date:	Monday, March 16, 2026 3:57:05 PM
Attachments:	PETITION map of N Portal signatures.pdf The Rise bike maps-2024-02-16 approved plans for Portal hood.pdf tamien-innu-map.png

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

PLEASE INCLUDE THIS EMAIL AND ALL ATTACHMENTS AS PART OF WRITTEN COMMUNICATION FOR THE ABOVE MEETING AGENDA ITEM.

Dear Mayor Moore, Vice Mayor Chao, Councilmembers, Staff and County Representatives,

Please do everything you can to speed up securing the secondary emergency access directly to Wolfe Road through the Caltrans Right-of-Way. From the project email we received on February 23, 2026 from Victoria Via at FORA Architects (see attached), their priority is obtaining this access.

I support this project but DO NOT support opening the wall in any way, at any location. Some of the many reasons are:

- **Safety of BOTH the neighborhood and the project residents**– prevent large emergency vehicles coming quickly down residential streets when there is a better way to access the project area that is better equipped for larger vehicles.
- **Prevent overflow parking from projects** with inadequate parking resources.
- **Noise prevention** – The N. Portal neighborhood, as with all areas bordering the I-280 sound wall experience significant noise already. Opening the wall allows additional noise into the neighborhood. One reason for this wall was to mitigate sound!
- **Security** – adding an opening in the wall adds another way for access and escape when committing crimes.
- **Encourage the use of already planned bike and pedestrian trails** that have cost millions of dollars!
    - The Tamien Innu Trail is right beside this project and the trailhead is right there, easily accessible to project residents for both bike and pedestrian uses. A separate multi-use trail is much safer than traveling on any street could ever be.
    - The Rise has a Class I Bikeway off-street Bike Path planned that connects to both sidewalks along Stevens Creek Blvd AND a Class IV Bikeway along Stevens Creek.
- The N. Portal neighborhood is strongly against opening the wall. Attached is a map of homes where one or more residents over 18 signed a petition against opening the wall in any location. (See attached map)

REQUEST: I am requesting that our City Council to

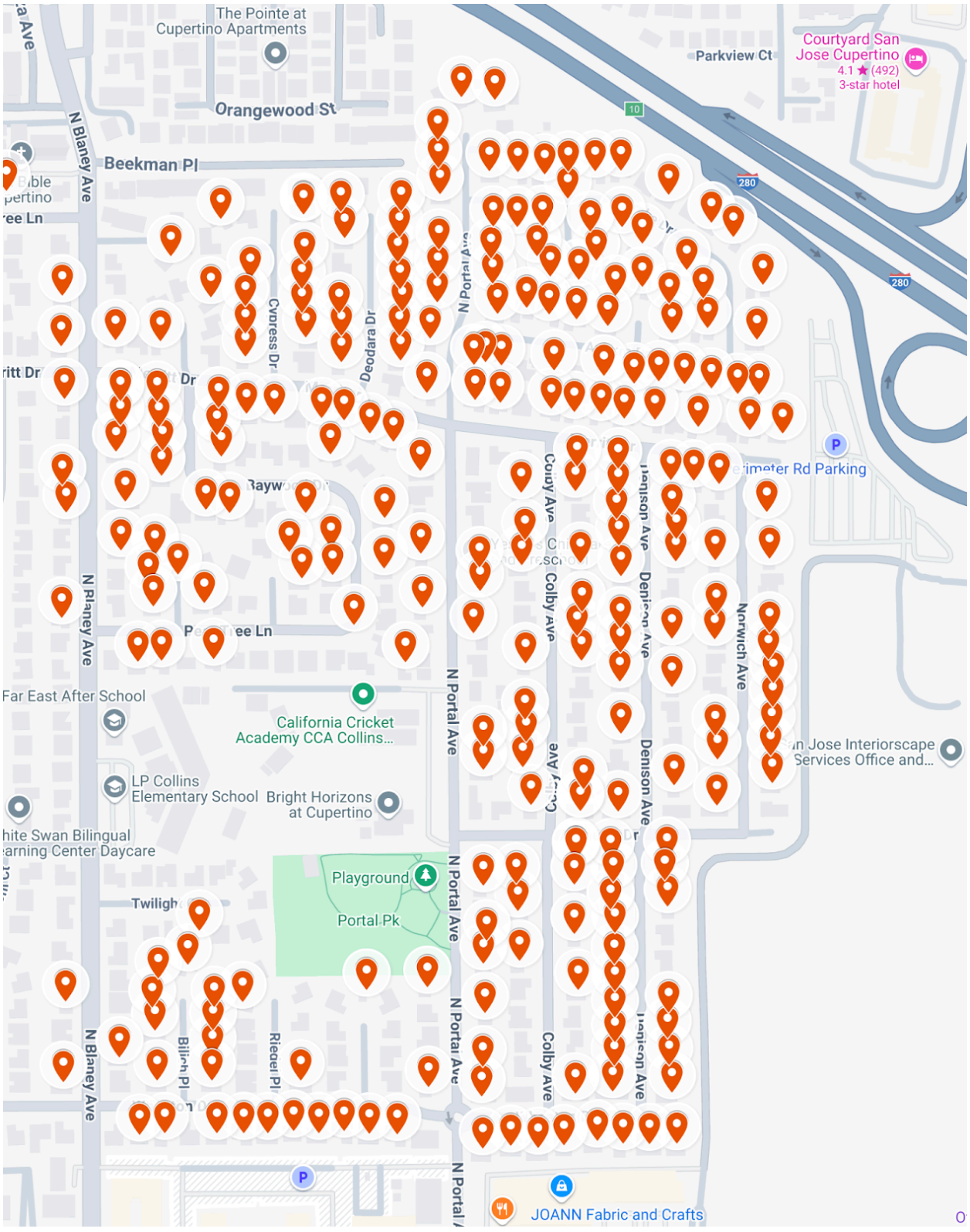
1. please help the County to speed up securing the secondary emergency access through CalTrans Right-of-Way AND
2. Direct the project designers to NOT include any opening through the wall.
3. Encourage the use of the Tamien Innu Trail and the bikeways along the wall to Stevens Creek Blvd.

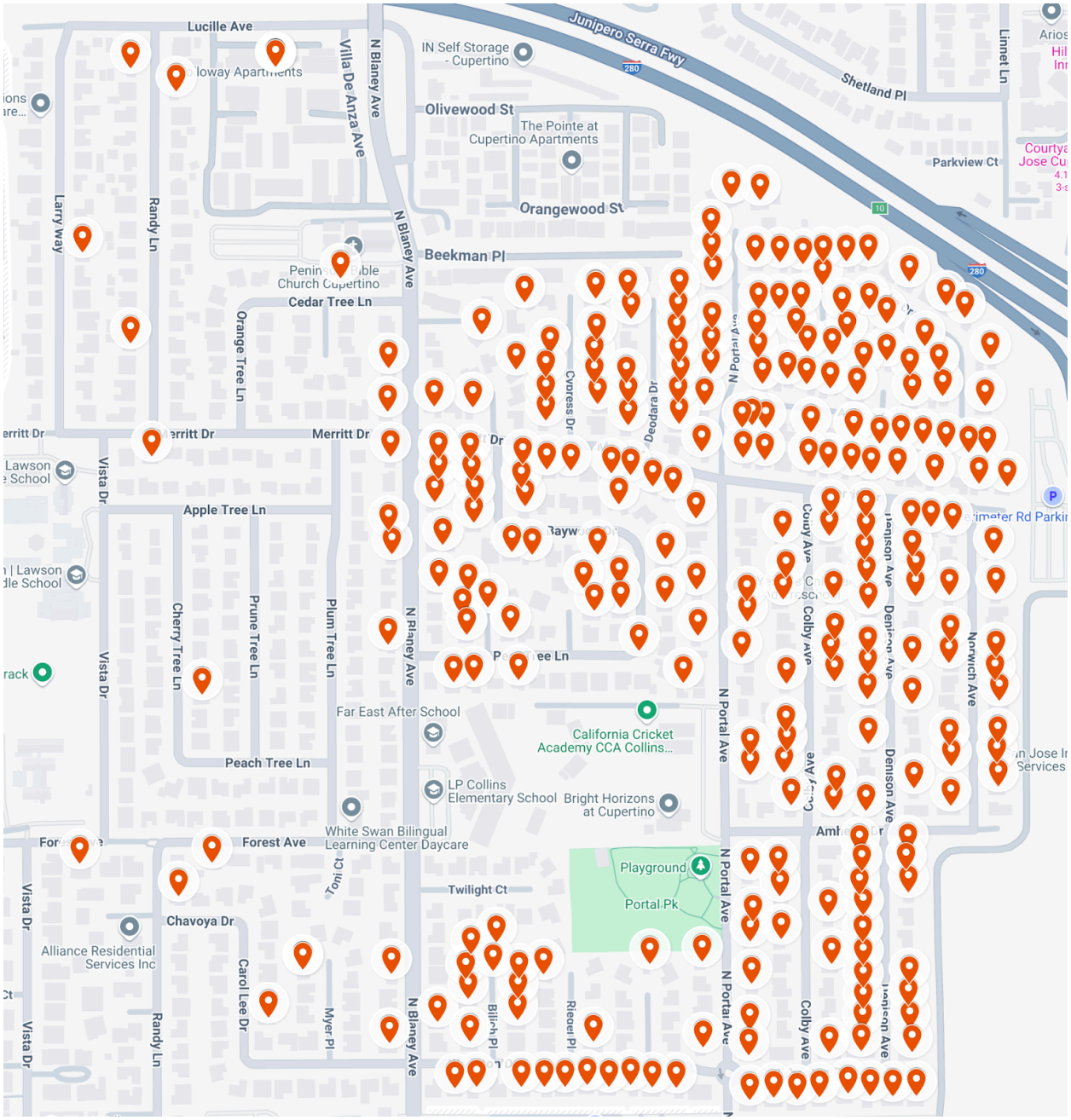
Thank you!
Peggy Griffin

P.S. I've attached the following files

- Map of all the North Portal homes that signed the petition in person to NO OPEN THE WALL.
- A 2024-2-16 The Rise approved plans Page 49 of 190 – Bicycle Circulation P-0504 (NOTE – these plans may have been changed since then. I have not had time to check them.)
- Link to Tamien Innu Trail map and here's the link too https://www.cupertino.gov/Your-City/Departments/Public-Works/Transportation-Mobility/Projects/Tamien-Innu

Each RED DOT represents ONE OR MORE signatures.

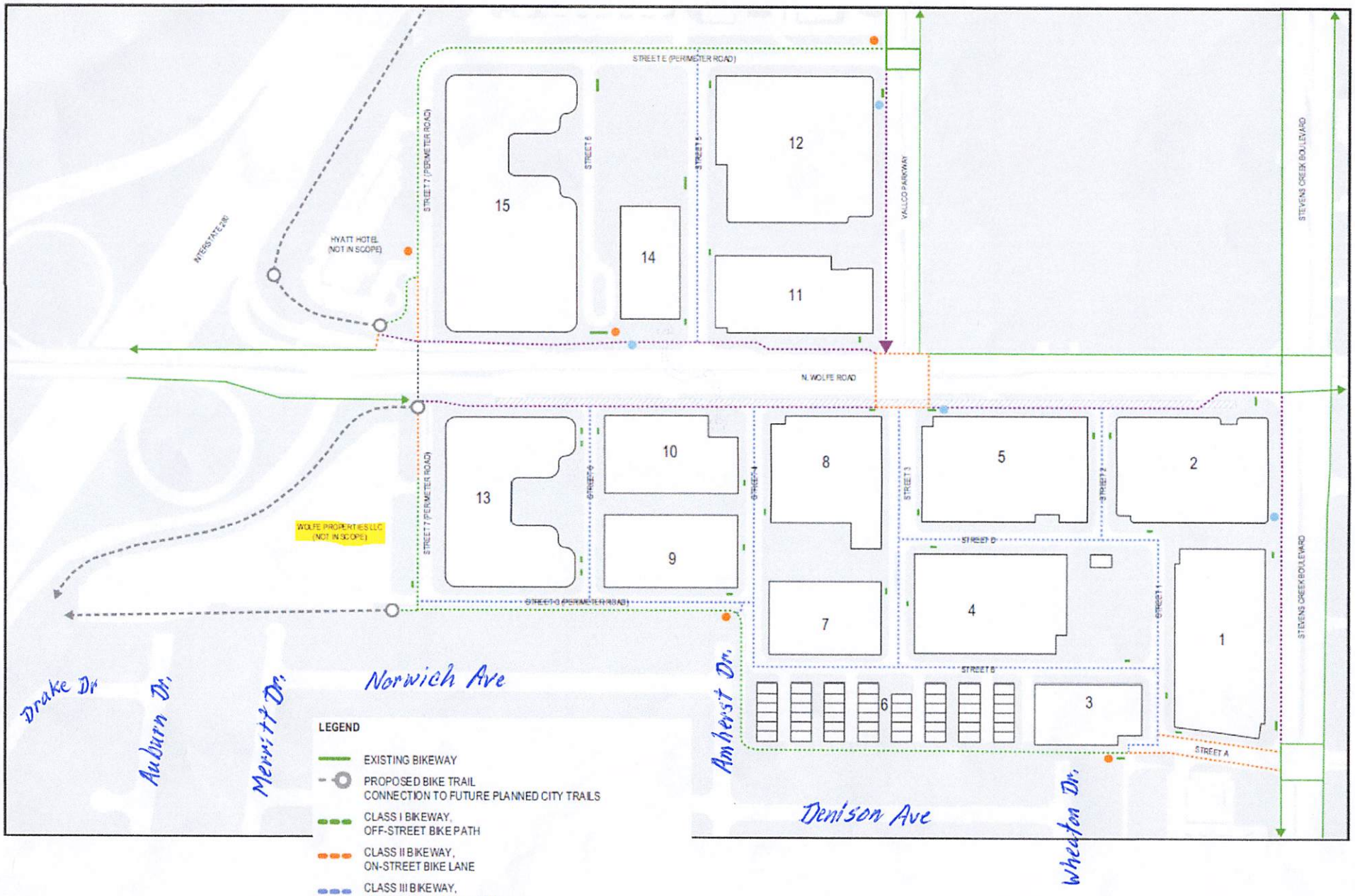



Lucille Ave
Villa De Anza Ave
N Blaney Ave
Junipero Serra Fwy
280
Shetland Pl
Linnet Ln
IN Self Storage - Cupertino
Olivewood St
The Pointe at Cupertino Apartments
Parkview Ct
Orangewood St
10
Larry way
Randy Ln
Beekman Pl
Cedar Tree Ln
Orange Tree Ln
Merritt Dr
Vista Dr
Apple Tree Ln
Cherry Tree Ln
Prune Tree Ln
Plum Tree Ln
Far East After School
California Cricket Academy CCA Collins...
N Portal Ave
Colby Ave
Denison Ave
Norwich Ave
Peach Tree Ln
LP Collins Elementary School
Bright Horizons at Cupertino
White Swan Bilingual Learning Center Daycare
Forest Ave
Playground
Portal Pk
Twilight Ct
Chavoya Dr
Alliance Residential Services Inc
Carol Lee Dr
Myer Pl
Randy Ln

2024-2-16 The Rise - approved plans

(2)

Page 49 of 190 – Bicycle Circulation P-0504



The Rise (Vallco) Building Heights
based on Feb. 16, 2024 Approved Modification Application

Building	Elevation	Ground	Height	Useage	Page
Block1	276'0"	195'0"	81'0"	residential	P89
Block 2	278'0"	193'0"	85'0"	residential+retail	P89
Block 3	279'0"	194'0"	85'0"	residential+retail	P89
Block 4	303'6"	192'0"	111'6"	residential+retail	P89
Block 5	273'6"	185'0"	88'0"	residential+retail+parking	P89
Block 6-Town Homes	216'11"	187'0"	29'11"	residential	P89
Block 7	274'6"	192'0"	82'6"	residential+retail	P89
Block 8	387'7"	184'0"	203'0"	residential+retail+parking	P89
Block 9	269'6"	185'0"	84'6"	residential	P89
Block 10	267'0"	180'0"	87'0"	residential	P89
Block 11	268'6"	184'0"	84'6"	residential	P90
Block 12	347'1"	183'0"	164'1"	residential	P90
Block 13	325'3"	182'0"	143'0"	office	P89
Block 13 SEC-C	240'3"	182'0"	58'3"	office	P89
Block 14	367'4"	?	?	office	P90
Block 15	409'3"	181'0"	228'3"	office	P90

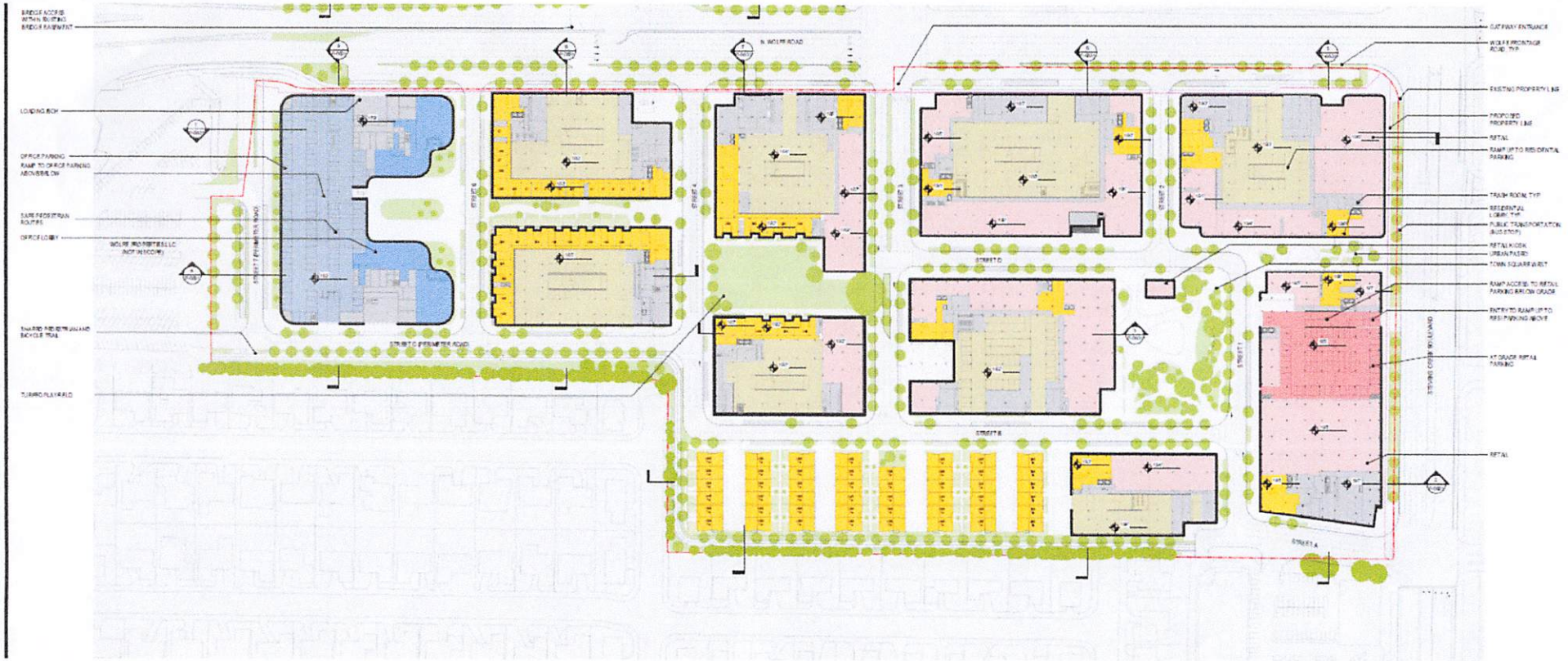
P 52 of 190 – Open Space – PODIUM LEVEL

LEGEND

- PUBLICLY ACCESSIBLE OPEN SPACE
- SHARED RESIDENTIAL OPEN SPACE
- PRIVATE RESIDENTIAL OPEN SPACE
- SWIMPOOL
- PRIVATE COMMERCIAL OPEN SPACE

*NOTE
- SEE P.0101 FOR OPEN SPACE SUMMARY AREA TABLES.
- DIAGRAMS ARE ILLUSTRATIVE FOR INFORMATION ONLY.

P78 of 190 – PARKING on west side of Wolfe Rd

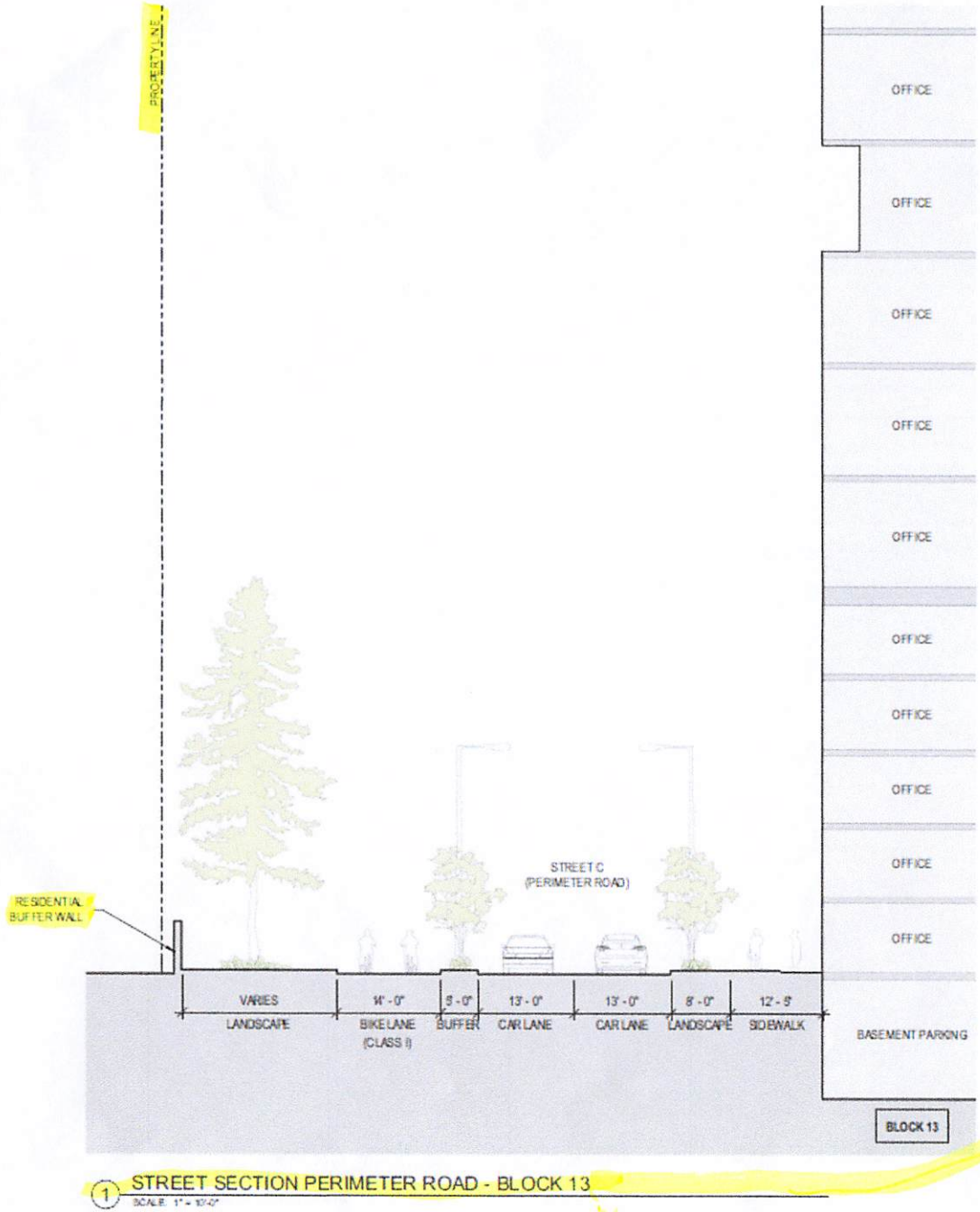


LEGEND

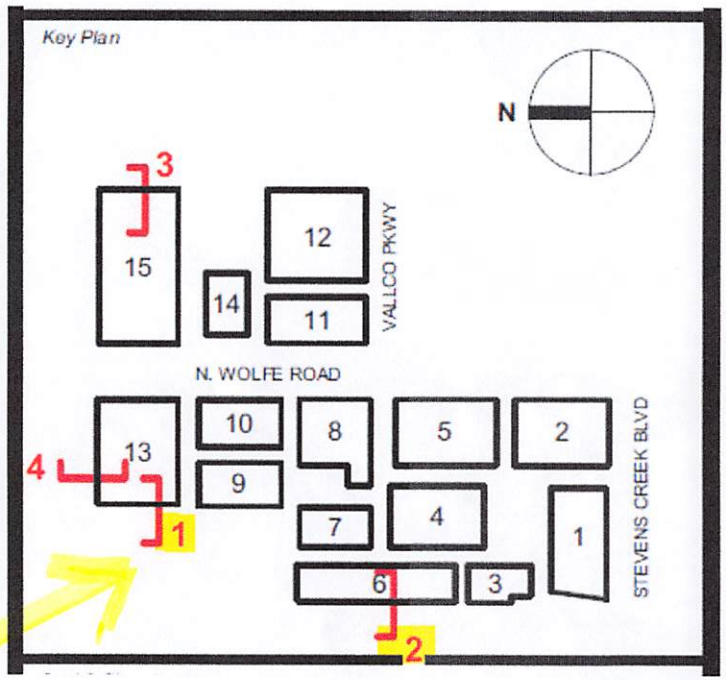
- RESIDENTIAL
- RESIDENTIAL PARKING
- RETAIL
- RETAIL PARKING
- OFFICE
- OFFICE PARKING
- CORE / CORRIDOR / BOH

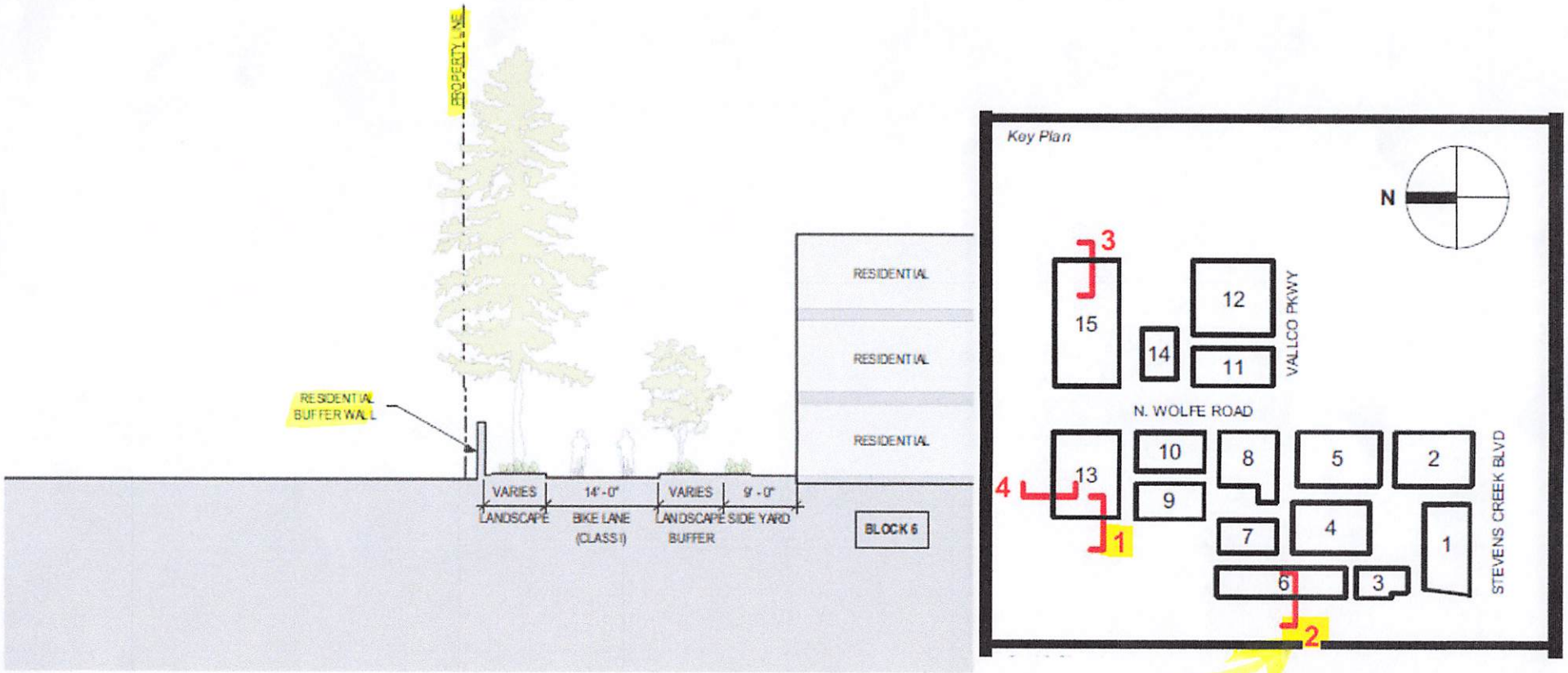
NOTES

1. INTERIOR DEMISING PARTITIONS FOR OFFICE, RETAIL, AND RESIDENTIAL ARE ILLUSTRATIVE AND SUBJECT TO CHANGE WITH TENANT FIT-OUT.
2. PARKING LAYOUT IS PRELIMINARY. TO BE FINALIZED WITH BUILDING PERMITS



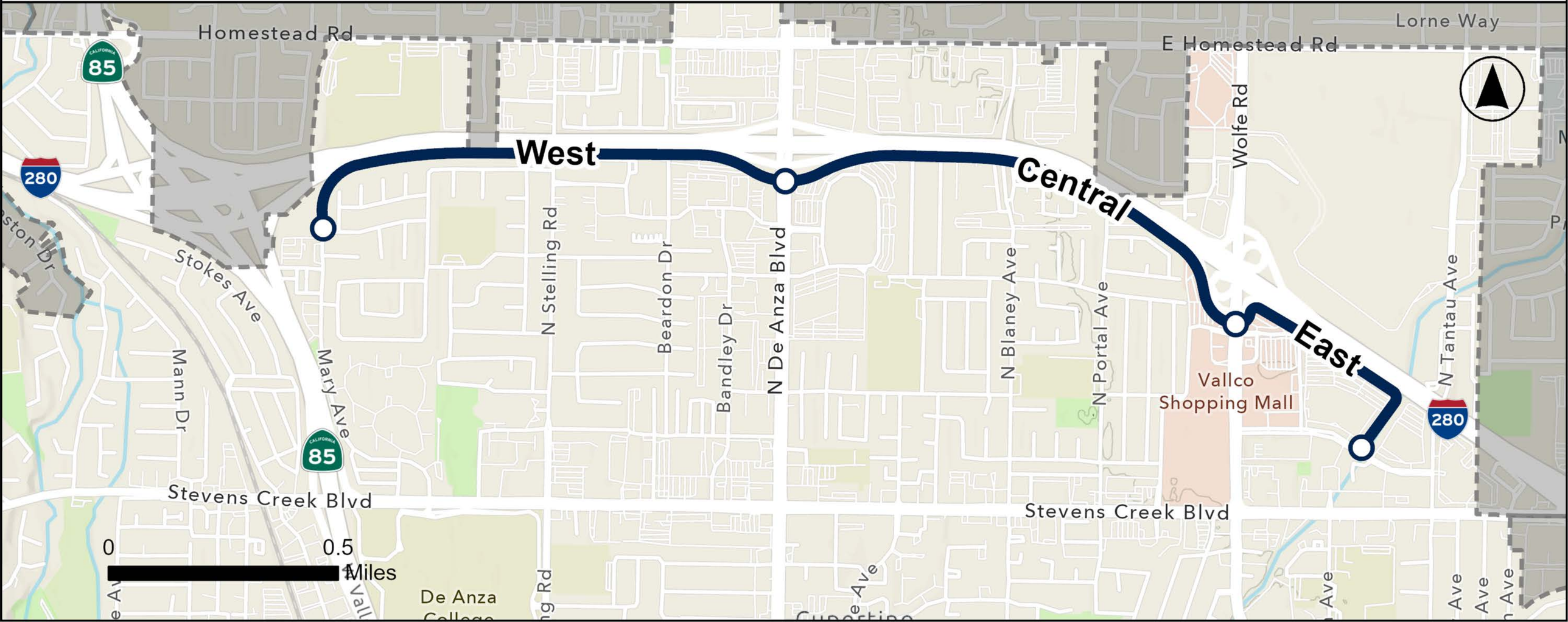
1 STREET SECTION PERIMETER ROAD - BLOCK 13





2 STREET SECTION BIKE TRAIL - BLOCK 6
SCALE: 1" = 10'-0"

Tamien Innu: West, Central, and East Segments



From: Pam Hershey
To: Public Comments; City Council; City Clerk
Cc: City of Cupertino Planning Commission
Subject: Fw:
Date: Tuesday, March 17, 2026 1:13:40 PM

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

Please include this email as part of the written communication for for City Council Study Session- item #1 Wolfe Road Housing-DO NOT OPEN SOUND WALL

> Dear Mayor Moore, Vice Mayor Chao, Councilmembers , Staff and County Representatives:

> First , we would like to thank the County of Santa Clara and the architect firm FORA for committing to community engagement which includes educators like myself.

> One of our concerns is opening the sound wall for the residents of the
> Eden Housing project and anyone that wants to use it as a short cut and the path only leads into a neighborhood.

The **city enforced a covenant for a reason when the Vallco Shopping Center was built.** The reason was to protect the residents in the neighborhood from noise, safety, and pollution from a commercial site which should never change.

> We understand that the residents might want to send their children the schools on Portal and Blaney Ave, but they could be impacted at that

time.

> As superintendent Yao from the Cupertino School District stated she does not know what the enrollment will be when the project is complete . The fact is that Collins is impacted today as my neighbor has to drive her child to Eaton Elementary as there is not a spot for her daughter.

Also, there is no guarantee that there will be working positions at those two schools at the time of completion .

A very valid question is, "How do we know if people/ tenants will use the neighborhood street parking as there is not enough parking spaces for the tenants and visitors ?"

We are not against Affordable housing and are supporting the project but are
not in favor of opening the wall to anyone that wants to use it as a short cut .

Another issue is this Housing development will have short term tenants as their
Pay scale will change with time and they will have to move . We are long term residents that will be affected for many years . Not to mention that impact it will have on our everyday lives as the ony way out of this track is driving onpubliccomment Blaney or Portal Aveues.

One more of many issues is that it will be a nightmare when bikers and other hikers drive to the wall opening and park their cars on the street in order to use the bike trail.

> We are not against Affordable housing and are supporting the project but are
> **not in favor of** opening the wall to anyone that wants to use it as a short cut .

Therefore , we are **Strongly encouraging you to keep the sound wall for our protection and keep the covenant !**

Thank you for your consideration.

Pamela and Bill Hershey
N. Portal Residents

Sent from my iPhone

From: Anne Ezzat
To: Public Comments; City Clerk; City Council
Subject: Special Meeting Comment on Eden Housing Project on Wolfe Road
Date: Tuesday, March 17, 2026 11:17:01 AM

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 Mayor Moore, Vice Mayor Chao, Council Member Mohan, Council Member Fruen, and Council Member Wang,

The City of Cupertino has a history of listening to everyone but the residents; it would be nice for the City to make an exception and honor the City's long-term commitment to keep the Vallco sound wall in place. The reasons for keeping the sound wall in place are the same today as they were when the city made the commitment to its residents. Less credence should be given to the voices of the unpaid lobbyists who want the wall removed than the residents whose homes abut the wall. or who live in the neighborhood near the wall.

While outside voices have value, they do not and should not have more value than the voices of the residents who pay the bills and foot the consequences. The continued concessions the City has made to developers and outside special interests has resulted in a lower quality of life for the residents, and a diaspora of retail and working-class residents.

Please do the right thing- honor the covenant and keep the wall.

Best regards,

Brooke Ezzat

From: louise saadati
To: City Council; City Clerk
Subject: Eden Housing
Date: Tuesday, March 17, 2026 1:20:41 AM

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

Please include this email in Written Communications for the Special Meeting on 3/17/26.

Dear Mayor Moore, Vice-Mayor Chao and Councilmembers:

Please support and expedite the Eden Housing Project.

This is a Housing Element site and must be expedited in order to help meet the HCD requirements for housing including below market housing by the deadline in June 2026.

Most school employees don't make high salaries and we need to make affordable housing available to them.

Could the council focus on completing the transportation plan for this project? Could coordination with VTA enable the improvement of the VTA bus service on line 56 which is 0.5 miles from the site? Could transit passes be made available for residents to encourage transit use.

The project needs to integrate with adjacent neighbourhoods, rather than having walls that stop the growth of community and promote silos. We need to increase the bike ability and walkability of this development through the Portal neighbourhood including for the school children.

Areas that have cars speeding by on interrupted sidewalks need to be improved for safe walking and biking.

I would like to commend the County of Santa Clara and the architect firm, FORA for all the community engagement they

have made.

Thank you for your service in making our city and it’s communities safer and more integrated and open.

Louise Saadati
40 year resident of Cupertino

Sent from my iPhone

From: Alex Shoor
To: City Clerk
Subject: Re: from Catalyze SV: PUBLIC COMMENT - STUDY SESSION AGENDA ITEM 1 - March 17, 2026
Date: Monday, March 16, 2026 11:22:51 PM

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.

City Clerk — Can you please verify that the below email made it to the City Council today?

I didn't see it uploaded yet to the agenda.

Thank you,
Alex

--
Alex Shoor
Executive Director | Catalyze SV
www.CatalyzeSiliconValley.org
Schedule time w/Alex

> On Mar 16, 2026, at 3:57 PM, Alex Shoor <alex@catalyzesiliconvalley.org> wrote:
>
> CATALYZE SV
>
> Dear Cupertino Mayor Moore, Cupertino Councilmembers & the County of Santa Clara Office of Supportive Housing,
>
> I write to you today on behalf of the members of Catalyze Silicon Valley with respect to tomorrow's study session.
>
> Background on Catalyze SV:
> Catalyze SV is a local nonprofit organization that has existed since 2017, with members from across our region, including in Cupertino.
>
> Our goal is to create sustainable, vibrant, and equitable places for people in Silicon Valley. We do that through programs like community education events, community engagement services, and policy advocacy.
>
> Another program of ours, one of our foundational ones, is advocating around specific development proposals. For the last decade, our members have evaluated, scored, and advocated for over 70 proposed projects in Silicon Valley.

Our Members Score and Now Support Wolfe Road Housing Project:
In September 2025, we joined with Cupertino for All to score our first-ever project in Cupertino — the Wolfe Road Housing proposal — because we believe it is one members from both our respective organizations would like to see as a key addition to Cupertino.

Sure enough, when our members gathered together to evaluate the project, we rated it highly.

- Catalyze SV members scored it a 4.14 out of 5.
- Cupertino for All members scored it a 4.67 out of 5.

Any project scoring 3.5 out of 5 or higher is eligible for our support. So on behalf of Catalyze SV and our members, I write to tell you that our organization joins Cupertino for All in enthusiastically supporting the Wolfe Road Housing project being built!

Features We Really Like about the Current Design:

- Interfaces with the planned Tamien Innu Trail on its edge
- Includes a resident-serving playground and a dog park
- Has a higher number of bike parking spaces
- Includes a lot of affordable housing
- Retains as many trees as possible

Improvement Developers Made After Our Input:
We're grateful to the development team for adding solar panels to the roof of Building 7 of the proposal, which is in line with one of our recommendations.

Features We'd Still Like to See Improved:
As you consider and discuss the project at tomorrow's study session, we'd like to invite the Cupertino City Council and the development team to support the following improvements to the proposal before it is finalized:

1. An emergency vehicle plan that enables people to walk and bike between this new development and the Portal neighborhood, not walling it off from the neighborhood. This is something only the Cupertino City Council can actualize, so we urge you to make it so!

2. Because of how hard it is for folks making less money to secure stable housing, we want the housing units to be as affordable as possible, ideally for folks making 80% or less of our area median income, which is currently about $111,000.

3. We'd prefer to see the project include more homes overall by increasing its density/height. We need all the homes we can get in this Valley!

4. To encourage walking, biking, and public transit, we urge you to add more crosswalks, protected bike lanes, and/or free transit passes for residents.

Please help ensure the above 4 improvements are made through your words and/or deeds.

Public Land Standard:
Since this project is on public land we all own, our government needs to ensure the project has the most positive impact possible. The bar for a project must be higher when it is land owned by the taxpayers.

Our Ask of You:
So at tomorrow's study session, we urge the Cupertino City Council:

a) echo the aforementioned input of Catalyze SV members / Cupertino for All members to the County; and

b) update the vehicle emergency plan by allowing bikes and pedestrians to pass through the wall.

Thank you so much for considering our perspective, Catalyze SV is grateful that Cupertino and the County are advancing Wolfe Road Housing forward.

Yours in community,
Alex

--
Alex Shoor
Executive Director | Catalyze SV
www.CatalyzeSiliconValley.org
Schedule time w/Alex

From: Joseph Chen
To: Public Comments; City Council; City Clerk
Subject: 3-17-2026 City Counsil Study Session- item - DO NOT OPEN WALL
Date: Monday, March 16, 2026 8:01:52 PM

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 Mayor Moore, Vice Mayor Chao, Councilmembers,

My name is Joseph Chen and my family has been living in the North Portal neighborhood for over 30 years. I am writing to you to petition that our entire neighborhood is against the opening of the wall in our neighborhood and we request that the County focuses on the Wolfe Road secondary access.

Opening the wall will bring lots of issues to our neighborhood including increased traffic, notices, passersby, and other security issues. We are very concerned about the unknown situations in our neighborhood should the wall were to open.

Thank you in advance for your consideration of our concerns,

Joseph Chen

10570 Cypress Drive,
Cupertino, CA 95014

Sent from Yahoo Mail for iPhone

From:	Yvonne Strom
To:	City Council
Cc:	City Clerk; Cupertino City Manager"s Office
Subject:	March 17 - Study session for Educator Workforce Housing
Date:	Monday, March 16, 2026 7:46:30 PM

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.

Esteemed Mayor Moore, Vice Mayor, and Councilmembers,

I am writing to express my enthusiastic support for the Educator Workforce Housing at 10333 Wolfe Rd. As you know, quality education is highly valued in Cupertino and residents have consistently committed funding for education over the years. This housing project is highly important to retain and support quality staff at our schools, and many design elements have been carefully planned.

However, I am concerned there is not sufficient consideration in the plan for children to have safe routes to school. For example, it is not reasonable to maintain an old wall and force children to walk on busy streets when a much safer route through an adjacent neighborhood could be made available.

I will use a terrifying example from my personal experience to illustrate how bad street design led directly to my 10 year old daughter falling off her bike directly into a lane of traffic on Rainbow Drive. I attached three photos to illustrate the problem.
1. Rainbow Drive is almost 5 lanes wide with a speed limit of 35 mph between Stelling Rd. and De Anza Blvd. The speed limit abruptly changes to 25 mph between Stelling Rd. and Bubb Rd. and the street is reduced to 2 lanes with many curves. There is no buffer between the traffic and the sidewalk that children used to get to and from Regnart Elementary school.
2. On garbage collection days the garbage cans obstruct the sidewalk. My daughter's accident occured when her bike handle brushed one of the garbage cans as she tried to ride past it. She and her bike tumbled into the adjacent lane of traffic. Thankfully, the driver of the oncoming car stopped and helped her pick up her twisted bike and helped her get home.
3. This section of Rainbow Dr. was very poorly designed for safety. The traffic passes much too close to the sidewalk and there was no plan to deal with the garbage can hazards.

Please don't make the same type of mistake for this new Educator Housing. Be diligent in designing to keep children safe.

Sincerely,
Yvonne Thorstenson

Manita

Manita

SPEED
LIMIT
35
NO
PARKING
35

From: Connie Cunningham
To: City Council
Cc: City Clerk
Subject: 2026-03-17 CC Study Session Eden Housing Project
Date: Monday, March 16, 2026 5:39:26 PM

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.

2026-03-17 CC Study Session Eden Housing Project, N. 10333 Wolfe Road, Cupertino, CA

Dear Mayor Moore, Vice Mayor, and Councilmembers:

I was pleased on March 25, 2024, when the County of Santa Clara identified this location for its support of development of homes for teachers and workers under the 2016 Measure A Affordable Housing Bond. Also, this site was selected as a Cupertino Housing Element (HE) site, so it is a City priority. Santa Clara County is an excellent collaborator and partner for homes for educators and workers. Cupertino is not yet meeting its targets for all incomes, including Below Market Rate (BMR), under the HE. I am excited to see this step forward on the proposed Eden Housing Project.

I commend Santa Clara County and their Architect firm, FORA, for their commitment to deep community engagement, including educators. They incorporated community feedback into its attractive design.

Transportation is a critically important aspect of this location. This project needs to integrate with existing neighborhoods, rather than keeping walls, fences, or gates that stop growth of community.
a. Major concern is the emergency vehicle plan because it will discourage the bike-ability, and walkability of this development through

the Portal neighborhood. The Portal neighborhood is the most likely location of schools that the new neighborhood children will attend.
b.Good idea is the higher number of bike parking spaces included in the project, especially with the site being adjacent to the planned Tamien Innu Trail
c.The transportation plan for this project is incomplete.

I. Can we coordinate with VTA to improve service on bus line 56?
2. More crosswalks. More bike infrastructure,-such as protected bike lanes-would improve safety and encourage walking/biking.
3. Propose transit passes for residents, which can be a boost in encouraging transit ridership.

I commend the project for its focus on affordability for teachers and workers.

I am optimistic that this Study Session will inform Cupertino's partnership with Santa Clara County toward success of this significant housing project. Thank you to Santa Clara County, FORA, and Eden for their engagement to date.

- Sincerely,
  Connie L Cunningham
  Chair, Housing Commission, speaking for myself only
  38 year resident

CC 3-17-2026

#10

Potential Revenue Ballot Measure Options

Written Communications

From: Rhoda Fry
To: Public Comments
Cc: City Council
Subject: 3/17/2026 Council Meeting Agenda #10 Ballot Measure
Date: Friday, March 13, 2026 4:48:36 PM

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

Dear City Council,

Regarding 3/17/2026 Council Meeting Agenda #10 Ballot Measure,

Another way to raise $! Consider Big Construction Conditions of Approval: We need to consider collecting use taxes for large projects. My understanding is that Cupertino became the point-of-sale location for construction materials when building the Apple Campus. We need to do this for developers as well and capture the taxes paid on those materials. Perhaps that can be included as a condition of approval.

UUT – Disproportionally impacts lower-income households. Higher-income households have solar and resources for all-electric homes. Lower-income households do not. I just don't see the nexus in increasing the UUT. Regarding the history of the UUT, it was voted for to pay for Blackberry Farm pool/picnic/golf/blue pheasant. The ads for the purchase was for saving the oak trees and the property from potential development. I recall the UUT was going to end someday.

Use Tax (looks like **Sales Tax**): I don't know whether a use tax will fly – a new tax was just voted in for the County. My recollection is that Cupertino voted no. I think that the staff should have mentioned how the vote went on this up front – I don't see it but maybe I didn't look carefully enough.

Head Tax, I've mentioned this at several City Council meetings in the past, Cupertino is lower than other cities for head taxes. Please also take a look at Menlo Park - - - note that Facebook also subsidizes additional police for its campus. So it would be interesting to look at their head tax as well. It actually looks surprisingly low:
https://www.menlopark.gov/files/sharedassets/public/v/1/administrative-services/documents/finance/bl_taxguide_20200305124542119 5.pdf

Regards,
Rhoda Fry

CC 3-17-2026

#11

Blesch Property Study

Written Communications

From: Peggy Griffin
To: Public Comments; City Council
Cc: City Clerk
Subject: 2026-03-17 City Council Meeting-ITEM 11 Blesch Property
Date: Sunday, March 15, 2026 5:30:20 PM

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

PLEASE INCLUDE THIS EMAIL AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE MEETING AGENDA ITEM.

Dear Mayor Moore, Vice Mayor Chao, Councilmembers and Staff,

The Blesch Property is located between the Black Berry Farm Golf Course parking lot (on Stevens Creek Blvd) and the entrance to the Stevens Creek Trail (on Stevens Creek Blvd). As the Staff Report states that:

- The property and structure are in very bad shape and not up to present day standards.
- It's located in a flood plane so building something would require careful planning, significant costs, more time with limited options.

Also, not mentioned is that this property is in a VERY NOISY area. You can barely hear or talk to anyone if you are standing on the sidewalk in front of this property. It is NOISY!

REQUEST: Direct staff to

1. further evaluate the costs associated with demolition of the existing structure and
2. convert the property to a passive park with NO structures, MINIMAL grading to avoid floodway impacts.
3. **DO NOT consider a labyrinth because it is in the wrong area. It is TOO NOISY! It is not peaceful.** No one would enjoy spending much time here.
4. SERIOUSLY consider a pollinator garden oriented less for people and more for creatures.
5. Before spending/allocating any of the Park-in-Lie Fund money for this, ask what land is being considered for acquisition and development of parkland. Acquiring more parkland should take precedence because land is becoming more scarce and more costly as time goes on. Doing something with this land could be put "on-hold" with a plan but not executed.

Sincerely,
Peggy Griffin

From: Rhoda Fry
To: Public Comments
Cc: City Council; Rachelle Sander
Subject: MORE: 3/17/2026 Council Meeting Agenda #11 Blesch Property
Date: Friday, March 13, 2026 7:24:10 PM

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MORE: 3/17/2026 Council Meeting Agenda #11 Blesch Property

Short Message: **Blesch is a bad location for labyrinth.**

Longer Message: I just went for a walk through the orange orchard and well before I arrived at the Blesch Property I was hearing traffic from Stevens Creek. It just isn't peaceful. Consequently, I don't think that this is an appropriate location for a labyrinth. It needs to be in a calmer location.

Regards,
Rhoda Fry

From: Rhoda Fry
To: Public Comments
Cc: City Council; Rachelle Sander
Subject: 3/17/2026 Council Meeting Agenda #11 Blesch Property
Date: Friday, March 13, 2026 3:33:02 PM

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Dear City Council and Parks & Rec Director Sander,

Regarding 3/17/2026 Council Meeting Agenda #11 Blesch Property

Short Message –

1. Please consider bus-turnout in the area like at McClellan Ranch
2. Please consider additional parking for the golf/blue pheasant/trail-use

Please look at this project holistically with the adjacent golf/blue pheasant property. As mentioned in the staff report, it had been considered for parking. It would be good to see some sort of reconfiguration at the golf/blue pheasant in order to have a bus turnout (note there is one on the McClellan Ranch side). Presently, buses seem to drop-off a bit uphill. Another consideration that was probably not considered when the property was purchased is the continued interconnectivity between the City and County open spaces. At the time of the purchase, the orchard/Blackberry/McClellan trail was not yet completed. Now we have a connection into Linda Vista Park and there is a possibility of connecting from there into the County Park. Going in the other direction, there has been a trail into Varian Park that could later become a permanent trail. So, as much as we want people to stop using cars, I do think that we need to allow for flexibility in parking.

Perhaps there is an opportunity for having some dual uses. And I really think we need to have some flexibility around parking. As to the labyrinth idea, I think of labyrinths as opportunity for quiet reflection and I'm unsure whether that is possible on this property. Stevens Creek gets pretty busy – noise, smelly cars/trucks, and visually. Perhaps there is more room on the back portion of the property next to McClellan Ranch.

As to storage, there are presently a number of storage sheds at the orange orchard.

Regards,
Rhoda Fry

From: Anne Ezzat
To: Public Comments; City Council; City Clerk
Subject: Item #11 Bleech Property
Date: Tuesday, March 17, 2026 3:25:35 PM

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Dear Mayor Moore, Vice Mayor Chao, Council Member Mohan, Council Member Fruen, and Council Member Wang,

I am writing to urge the Council to reconsider the proposed paver labyrinth. Given the challenges of climate change, increasing the amount of concrete in our community is counterproductive.

As the property is located within a floodplain and would be difficult to renovate, a more sustainable use of the land would be to integrate it into the surrounding parkland or establish a small pollinator garden.

Best regards,

Brooke Ezzat

From: Peggy Griffin
To: Public Comments; City Council
Cc: City Clerk
Subject: 2026-03-17 City Council Meeting - ITEM 11 Blesch Property and a Labyrinth
Date: Tuesday, March 17, 2026 2:58:41 PM

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PLEASE INCLUDE THIS EMAIL IN THE WRITTEN COMMUNICATIONS FOR THE ABOVE MEETING AGENDA ITEM.

Dear Mayor Moore, Vice Mayor Chao, Councilmembers and Staff,

In my previous email regarding this agenda item, I wrote that I didn't think this site was appropriate for a labyrinth due to the noise level at the site. That said, I think a labyrinth in some other location that is quiet and peaceful would be a neat idea and I would hope a low-cost addition to an area.

Please keep the idea of a labyrinth in mind for some future site that is already quiet and peaceful.

Thank you,
Peggy Griffin

CC 3-17-2026

#12

SummerHill Homes - Linda Vista Drive

Written Communications

From: Jack Farrell
To: City Clerk
Subject: Public Comment for March 17 City Council Meeting
Date: Monday, March 16, 2026 5:26:56 AM
Attachments: Linda Vista Dr. Letter of Support 3_16_26.docx.pdf

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Good morning,

Please find attached letter of support for the Linda Vista Drive development, to be heard as Agenda Item 12 before the City Council.

Sincerely,

Jack Farrell *he/him*
Research Attorney
267-218-1147

Check out everything we achieved in 2024!

YIMBY Law

2261 Market Street STE 10416
San Francisco, CA 94114
hello@yimbylaw.org

YIMBY LAW

March 16, 2026

City of Cupertino
City Council
10350 Torre Avenue
Cupertino, CA
Via email: CityClerk@Cupertino.gov

Re: 10857, 10867, 10877 & 10887 Linda Vista Drive, Agenda Item 12

Dear City Council,

We are pleased to submit this letter of support of the proposed Summerhill Homes project at Linda Vista Drive. YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. The Summerhill Homes project will consist of a development of 51 townhomes, including 10 affordable units, to replace four single family homes on a 2.51-acre site, located close to the intersection of Linda Vista Dr and Columbus Ave. In compliance with AB130 local building code requirements, the project will include various resiliency upgrades such as hardened exteriors and roof eaves, ember resistant vents, and Zone 0 Landscape Buffers.

We concur with the Planning Commission's vote and the assessment of your staff that the project is exempt from CEQA and qualifies for final approval of all necessary entitlements.

The Housing Crisis Act of 2019 (SB 330) and the City's Housing Element

Summerhill Homes submitted an SB 330 Preliminary Application on October 9, 2024, and a final application on December 13, 2024. Pursuant to Gov. Code § 65589.5, the

YIMBY Law

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San Francisco, CA 94114
hello@yimbylaw.org

application is only subject to the ordinances, policies, and standards adopted and in effect when the Preliminary Application was submitted.

The proposed project is consistent with the City's General Plan and zoning ordinance and other applicable objective standards. In addition, the City's approved 2023–2031 Housing Element identifies the project as a Housing Inventory Site. By designating the site as a Housing Inventory Site, the City selected the site for residential use and determined that residential development of the site would assist the City in meeting its Regional Housing Needs Allocation.

The State Density Bonus Law

SummerHill proposes to provide 10 of the 51 town home-styles at below market rate prices. By designating at least 10 percent of the units for Moderate Income households, the project qualifies for benefits under the State Density Bonus Law. Under the State Density Bonus Law, a developer may propose unlimited waivers of development standards that would have the effect of physically precluding construction of a qualifying project at the densities or with the concessions or incentives permitted by the Density Bonus Law. SummerHill is entitled to the waivers it has requested, all of which will provide relief from development standards that would physically preclude construction of the project at the density proposed.

Once a project qualifies for a density bonus, State law provides that the City may deny a requested waiver only if it would have a specific, adverse impact upon health or safety, would have an adverse impact on a historic resource, or would be contrary to State or Federal law. In this context, specific adverse impact "means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."[1] There is no substantial evidence in the record that any of SummerHill's requested waivers would meet the criteria for City denial.

[1] Gov. Code, §§ 65915, subd. (e)(1), 65589.5, subd. (d)(2).

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San Francisco, CA 94114
hello@yimbylaw.org

YIMBY LAW

The Housing Accountability Act

The Housing Accountability Act, in Section 65589.5(j)(1)(A)-(B), limits a municipality's ability to deny or condition on lower density a housing development project that complies with objective standards. The City may only disapprove the project or impose conditions on the project that would reduce density if necessary to avoid a "significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and there is no feasible method to mitigate or avoid those impacts other than disapproval or development at a lower density.

We have reviewed the project plans, the CEQA document and the various expert reports that have been prepared for the project, and there is not a preponderance of evidence in the record that would justify the City's disapproval of the project or conditioning the project in a manner that would reduce density.

Summary

The Legislature has made numerous amendments to California Housing Law in an effort to provide increased clarity and certainty for both municipalities and housing providers. Based on these laws, the project is subject only to the objective standards that were in effect on the date of the Preliminary Application; the project is entitled to the requested waivers under Density Bonus law; with those waivers the project is consistent with applicable objective standards; and the evidence in the record would *not* justify the City's denial of the project or imposition of approval that would reduce density. Disapproval of the project or approval with conditions that would render the project infeasible at the density proposed would contravene State law.

It is YIMBY Action's understanding that City staff has processed SummerHill's development application with professionalism and recognition of the City's obligations under State law. We appreciate the staff's cooperation and encourage the City Council to continue to uphold the same standard.

YIMBY Law closely monitors projects to ensure that all relevant state laws are properly

YIMBY Law

2261 Market Street STE 10416
San Francisco, CA 94114
hello@yimbylaw.org

YIMBY LAW

applied, including the HAA. Should the City fail to follow these laws, YIMBY Law will not hesitate to file suit to ensure state housing policies are enforced. I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state. I look forward to seeing this project approved and brought to realization to help change the tides of the housing crisis in the Bay Area.

Sincerely,

Sonja Trauss

Sonja Trauss
Executive Director
YIMBY Law

From:	Kitty Moore
To:	City Clerk
Subject:	Written Communications for Item 12 FW: Substantive Finding: 90+ Minutes Evacuation Choke and "System Failure" at Evulich Ct. (CUP-029)
Date:	Saturday, March 14, 2026 12:11:46 PM
Attachments:	00 - 20260313 - Letter to Mayor Moore .pdf 01 - Evacuation Traffic Model and Analysis.pdf 02 - Feedback to Cupertino Health and Safety Element - General Plan Community Vision 2015-2040 - v3.pdf 03 - Technical Rebuttal to Hexagon Transportation Analysis.pdf 04 - 260224 Plan Comm Evulich Development Emergency Evacuation.pdf

Dear City Clerk,

Please include the following email and the attachments for written communications for Item 12.

Thank you,

Kitty Moore

Kitty Moore
Mayor
City Council
KMoore@cupertino.gov
(408) 777-1389

From: DerChang Kau <derchang@gmail.com>
Date: Friday, March 13, 2026 at 10:16 PM
To: Kitty Moore <kmoore@cupertino.gov>
Cc: DerChang Kau <derchang@gmail.com>
Subject: Substantive Finding: 90+ Minutes Evacuation Choke and 'System Failure' at Evulich Ct. (CUP-029)

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March 13, 2026

Dear Mayor Moore,

As a resident of Cupertino for over three decades and a retired engineer, I have followed your career with respect for your commitment to objective, substantive analysis. Given your background as a **Professional Engineer (PE)** and your experience in civil design, land development and transportation, I am writing to provide a high-resolution technical assessment of the **Evulich Ct. Project** that I believe warrants your professional review.

In your recent State of the City address, you emphasized that **"Quality is what the resident gets out"**. My analysis suggests that if this project proceeds at its currently proposed density, the "quality" residents will receive during a disaster is a mathematical trap. My evacuation modeling, which utilizes dynamic traffic principles, identifies a critical **system failure** that the developer's static "peak hour" traffic analysis overlooks.

My modeling and analysis is not a theoretical concern nor the only warning sign. It turns out, the City of Cupertino knew this. Last October, the city received its own expert study from Fehr and Peers. The study found evacuation demand on key corridors serving this neighborhood exceed 200% of roadway capacity. The City had it for nearly 5 months before the February 24, 2026 Planning Commission hearing where the project was approved.

I am providing the following **Technical Assessment Factors** to assist you in evaluating whether the current project proposal meets the objective safety standards required by the General Plan and State law.

Key Technical Discrepancies Requiring Reconciliation

1. **Safety Baseline Shift (2025 CAL FIRE Update):** The re-zoning of this parcel in July 2024 was based on 2007 fire maps. However, the **March 2025 CAL FIRE update** reclassified this area as a **Very High Fire Hazard Severity Zone (VHFHSZ)**. Under **Government Code §51179**, the City has a mandate to adopt these updated findings, which fundamentally changes the safety baseline for high-density development in this corridor.

2. **Modeling "Surge" vs. "Daily Peak":** The developer's transportation report models a "peak hour" of roughly 30 vehicles. In a wildfire evacuation, however, the demand is a **simultaneous neighborhood-wide surge**. My model shows that a surge of 250+ vehicles attempting to exit the Linda Vista "spine" within the 30-minute critical safety window (established by the 2025 Palisades Fire) results in a **Utilization Ratio of 110%**.

3. **The Saturation Failure (V/C ≥ 1.0):** Standard planning-level assessments often treat V/C ratios above 1.0 as mere congestion. In reality, when V/C exceeds 1.0, a **"Standing Queue"** forms and the system ceases to function. My modeling proves that the proposed density pushes the corridor into a state of mathematical failure, doubling the "Order to Safety" time from a survivable 30 minutes to a non-survivable **90+ minutes**.

4. **Operational Intersection Degradation:** The current analysis assumes normal traffic signal operations. However, in a wildfire or earthquake, power outages often put signals into **"red-flash" or 4-way stop mode**, which reduces flow capacity by **50%**. This degradation has not been factored into the project's evacuation clearance estimates.

5. **Merging Shockwave Delay:** Concentrating 51 units at a single entry point creates a "Concentrated Conflict Point". My analysis identifies a **28.5-minute "Shockwave**

Delay" caused by forced merging into an already saturated flow—a delay that impacts the entire existing neighborhood.

Objective Decision-Support Framework

To ensure the City upholds its fiduciary duty under **GC 65302(g)(5)** and **CFC 4903**, it may be prudent to evaluate the following:

- **Consistency Review:** Is the 51-unit density consistent with the 2025 Health and Safety Element's "Evacuation-Constrained" criteria?

- **Cumulative Impact Study:** Has the City performed a **Dynamic Traffic Assignment (DTA)** that accounts for the cumulative load of all 155 units on the Linda Vista bottleneck during a surge event?

- **Mitigation Feasibility:** I have submitted a conceptual **12-unit R1-aligned alternative** that preserves the 30-minute evacuation window while still providing high-quality housing.

Mayor Moore, you have rightly identified residents as the City's "customers". I trust that your engineering expertise will recognize that "paper compliance" with site standards does not equate to neighborhood evacuation safety.

Sincerely,

DerChang Kau Retired Engineer & University Professor 10847 Linda Vista Drive, Cupertino

Attachments including

1. Evacuation Traffic Model and Analysis.pdf
2. Feedback to Cupertino Health and Safety Element.pdf
3. Technical Rebuttal to Hexagon Transportation Analysis.pdf
4. 260224 Plan Comm Evulich Development Emergency Evacuation.pdf

Impacts of 2025 CAL FIRE FHSZ Classifications on Project “Evulich Court”

Monta Vista "Spine” and Wildfire Accident Risk Overview
Evacuation Traffic Modeling
Evacuation Plan Analysis

Supporting Materials on Evacuation Traffic Model

Utilization Ratio – ρ = Demand / Capacity
Traffic Utilization Ratio Matters
Queuing Delay (D_Q)
Merging Delay (D_M)

About the author

DerChang Kau, a resident of Linda Vista Drive, Cupertino

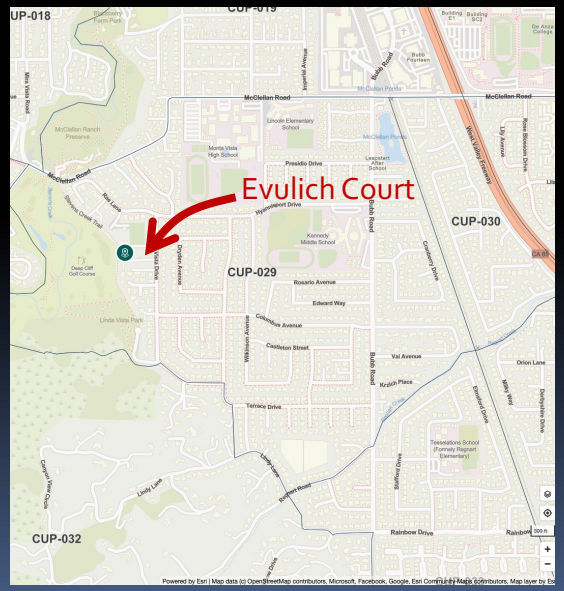
Technical Credential (if it matters)

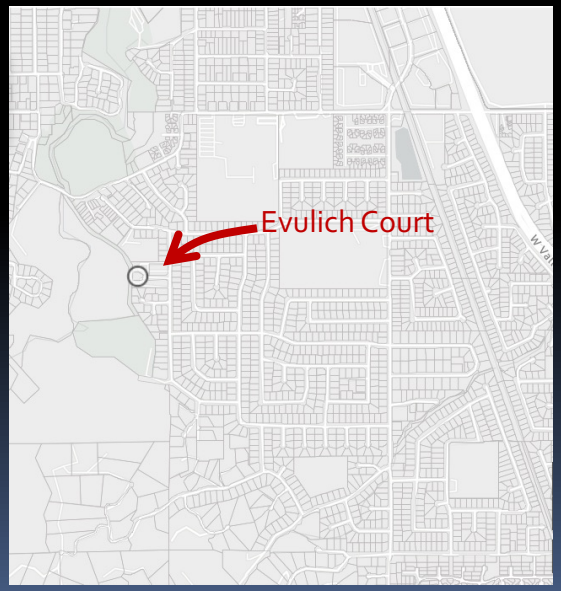
Retired Intel Fellow, Technology and Manufacturing

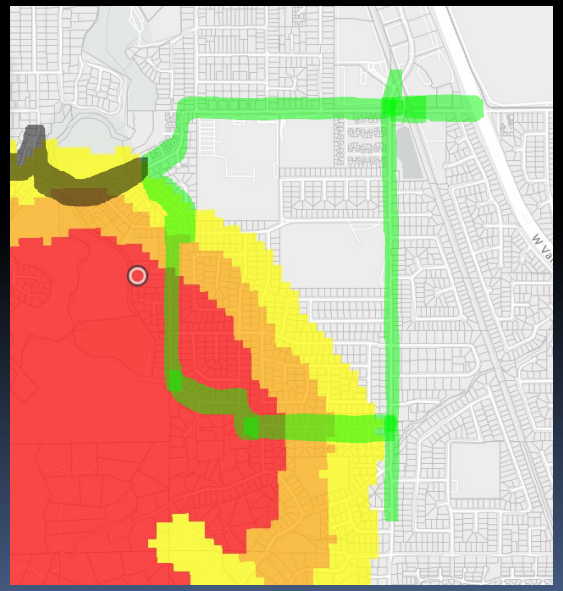
Adjunct Professor, Graduate School of Advance Technology, National Taiwan University

The Monta Vista neighborhood of Cupertino

- In the Monta Vista neighborhood of Cupertino, residents between 10807 and 11197 Linda Vista Drive are located in a unique geography where the road essentially acts as a single spine.
- Because Linda Vista Drive is a winding road with several "dead-end" side streets and restricted access points, the evacuation strategy must account for the fact that the primary route is northward toward McClellan Road.
  - Primary Route: Follow Linda Vista Drive north. This will take you directly to McClellan Road. From McClellan, you can head east toward the more urban parts of Cupertino (away from the foothills).
  - Secondary/Alternative: Depending on where the fire is located, some residents near the 11000 block may attempt to exit via Canyon Vista Drive to connect back to Linda Vista or other neighborhood arteries, but eventually, almost all traffic must funnel toward McClellan Road or Stevens Creek Blvd.







Fire Hazard Severity Zone (FHSZ) maps, the **March 2025 CAL FIRE LRA update**

Wildfire Accident Risk Overview

Hyper-Local Risks for 10807–11197 Linda Vista

- **The "Choke Point":** The lower part of Linda Vista Drive (closer to McClellan) can become congested. If you receive an **Evacuation Warning**, it is highly recommended to leave early, especially if you have trailers, pets, or large vehicles.
- **Vegetation Overhang:** This stretch of road has significant tree canopy. In a high-wind fire event, "spotting" (embers jumping ahead of the fire) can ignite trees along the road, potentially blocking the only exit.
- **Dead-End Cul-de-Sacs:** If you live on a side street off this stretch (like Baxley Court or various private drives), you must be aware that you have zero "rear" exits.

Evacuation Density Risks

- The density is a major point of concern for fire safety because:
- **Funneling:** All 150+ households (plus residents on side streets like Rae Lane and Baxley Court) must use Linda Vista Drive to reach McClellan Road.
- **The Park Choke Point:** The entrance to Linda Vista Park is expected to be the sole entry/exit for the new Vista Heights development, adding concentrated traffic to the middle of your evacuation route.
- **Vehicle Load:** With an average of **2.9 to 3.1 people per household** in Monta Vista, a full evacuation of just this street segment could involve **450+ people and 250+ vehicles** attempting to exit simultaneously onto a winding two-lane road.

Evacuation Traffic Modeling

Boundary Conditions & Variables

- Segment Geography: A single-access, winding, two-lane road acting as a "single-point-of-failure".
- Baseline (R1): 70 existing units (approx. 112 vehicles).
- Proposed (R3): 155 total units (approx. 248 vehicles).
- Critical Safety Window: 30 minutes, based on a 20-minute fire spread rate of 200 acres (Pacific Palisade Fire Data)

Evacuation Analytical Model & Results

	Baseline(R1 Status)	Planned (R3 Status)	Logic & Boundary Conditions
Total Units (N)	70 Units	155 Units	Includes Evulich & Vista Heights.
Vehicle Load (V)	112 Cars	248 Cars	Constant: 1.6 vehicles/HH consolidation.
Capacity (μ)	600 Cars/Hr	450 Cars/Hr	Constant: Winding road capacity. R3 assumes 4-way stop failure.
Utilization (ρ)	37%	110%	Formula: [Demand / Capacity]. ρ>1.0 = System Failure.
Queuing Delay (D_Q)	2.5 mins	45.0+ mins	Formula: [(ρ / (1-ρ)) * intrinsic delay Time]. Exponential delay at saturation.
Merging Delay (D_M)	4.0 mins	28.5 mins	Based on "Critical Gap Acceptance" for 51 units entering the spine.
Human Factor (D_H)	20.0 mins	20.0 mins	Constant: Time from alert to vehicle in gear.
TOTAL ORDER TO SAFETY	26.5 mins	93.5+ mins	Sum of: [D_Q+D_M+D_H].

Evacuation Plan Analysis

- Current Neighborhood (Approx. 70 Homes)
  - At an average of 1.6 vehicles per household (typical for emergency evacuations where families try to consolidate), there are roughly 120 vehicles that must exit this specific stretch.
  - Flow Rate: A single lane of a winding residential road under stress typically handles 600–800 vehicles per hour.
  - Physical Exit Time: Technically, 120 cars could pass a single point in about 12–15 minutes.
  - The "Human Factor" Delay: In reality, total evacuation time includes "mobilization time" (packing, hitching trailers, getting pets). For 70 homes, the neighborhood would likely be clear in 30 minutes from the time the order is issued, assuming no road blockages.
- Expanded Neighborhood (Planned ~150+ Units)
  - With the addition of the Evulich Court (51 units) and Vista Heights (35 units) projects, the vehicle count jumps to approximately 240–260 vehicles.
  - The Bottleneck: The main issue isn't just the number of cars; it’s the intersection of Bubb Road and McClellan. If traffic lights are out, this intersection becomes a four-way stop, which can drop flow rates by 50%.
  - Estimated Time: Under these conditions, the physical exit time doubles. Adding in the complexity of more neighbors merging from high-density driveways, the total time to clear the street would likely stretch to 90+ minutes.

Supporting Materials

Utilization Ratio – ρ = Demand / Capacity

Traffic is like running water in the pipe. The Utilization Ratio is the pressure in that system. When ρ exceeds 1.0, the "pipes" burst—meaning the line of cars stops moving, and the time to exit becomes theoretically infinite unless the demand is reduced.

Demand – λ

- **30-minute requirement** is the safety leave window **from the learning of Pacific Palisade Fire**.
- R1 Case: $\lambda_{baseline}$ = 70 Units × 1.6 vehicles/household / 0.5 hours = 224 cars / hour
- R3 Case: $\lambda_{planned}$ = 155 Units × 1.6 vehicles/household / 0.5 hours = 496 cars / hour.

Capacity – Ideal flow rate, μ_{ideal} = 700 cars/hour.

- The intersection of Bubb Road and McClellan is the only exit in an "Emergency State".
  - Power is out, the traffic signals are dead and the intersection functions as a 4-Way Stop.
- Higher density creates a "standing queue" and degrades 4-way stop intersection efficiency from ~85% to ~60%
  - R1 Case: $\mu_{baseline}$ = 600 cars / hour
  - R3 Case: $\mu_{planned}$ = 450 cars / hour.

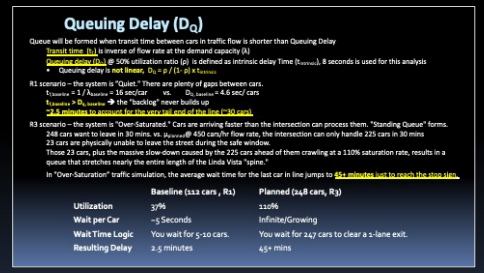
Metric	Baseline (R1 status)	Planned (R3 status)	Analytical Meaning
Demand – λ	224 cars/hr	496 cars/hr	The "Pressure"
Capacity – μ	600 cars/hr	450 cars/hr	The "Pipe Size"
Utilization Ratio – ρ	37%	110%	Result

Why and How Traffic Utilization Ratio Matters

- R1 scenario – the traffic Utilization ratio ($\rho_{baseline}$) is 37%
  - The system is "Under-Saturated." Cars arrive much slower than the intersection can process them.
  - There is no queue; you drive straight to the stop sign and leave.
- R3 scenario – the traffic Utilization ratio ($\rho_{planned}$) is 110%
  - The system is "Over-Saturated." Cars are arriving faster than the intersection can process them
  - When ρ > 1.0, a "Standing Queue" forms; the line of cars gets longer. ➔ System Failure.

Linking to delays to safety

- Queuing Delay: Because the R3 Utilization is 110%, the queue never clears. You are now waiting for the cars ahead of you to clear a "bottleneck" that is physically too small for the crowd. This is a mathematical proof that the road cannot physically clear the neighborhood in under 30 minutes.
- Merging Delay: The 51-unit project creates a Concentrated Conflict Point that adds 28.5 minutes of 'Shockwave Delay' to the evacuation. This is not a subjective preference; it is a mathematical consequence of forcing high-density merging into a saturated, single-lane 'spine' during a surge event."



Queuing Delay (D_Q)

Queue will be formed when transit time between cars in traffic flow is shorter than Queuing Delay

Transit time (t_t) is inverse of flow rate at the demand capacity (λ)

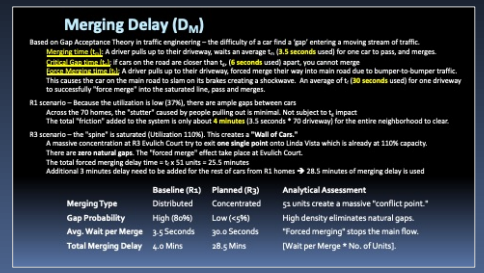
Queuing delay (D_Q) @ 50% utilization ratio (ρ) is defined as intrinsic delay Time ($t_{service}$). 8 seconds is used for this analysis

- Queuing delay is **not linear**, $D_Q = \rho / (1-\rho) \times t_{service}$

R1 scenario – the system is "Quiet." There are plenty of gaps between cars.
$t_{transfer} = 1 / \lambda_{service} = 36$ sec/car vs. $D_{Q\ baseline} = 4.6$ sec/ cars
$t_{transfer} > D_{Q\ baseline}$ ➔ the "backlog" never builds up
~2.5 minutes to process for the very last car at the line (~70 cars).

R3 scenario – the system is "Over-Saturated." Cars are arriving faster than the intersection can process them. "Standing Queue" forms.
248 cars want to leave in 30 mins. vs. $\mu_{service}$ @ 450 cars/hr flow rate, the intersection can only handle 225 cars in 30 mins
23 cars are physically unable to leave the street during the safe window.
Those 23 cars, plus the massive slow-down caused by the 225 cars ahead of them crawling at a 110% saturation rate, results in a queue that stretches nearly the entire length of the Linda Vista "spine."
In "Over-Saturation" traffic simulation, the average wait time for the last car in line jumps to 45+ minutes just to reach the stop sign.

	Baseline (112 cars , R1)	Planned (248 cars, R3)
Utilization	37%	110%
Wait per Car	~4.5 Seconds	Infinite/Growing
Wait Time Logic	You wait for 5-10 cars.	You wait for 247 cars to clear a 1-lane exit.
Resulting Delay	2.5 minutes	45+ mins



Merging Delay (D_M)

Based on Gap Acceptance Theory in traffic engineering – the difficulty of a car find a 'gap' entering a moving stream of traffic.
Merging time (t_m): A driver pulls up to their driveway, waits an average t_m (**3.5 seconds** used) for one car to pass, and merges.
Critical Gap time (t_c): if cars on the road are closer than t_m (**6 seconds** used) apart, you cannot merge
Lane Merging time (t_M): A driver pulls up to their driveway, forced merge their way into main road due to bumper-to-bumper traffic.
This causes the car on the main road to slam on its brakes creating a shockwave. An average of t_c (**30 seconds** used) for one driveway to successfully "force merge" into the saturated line, pass and merges.

R1 scenario – Because the utilization is low (37%), there are ample gaps between cars
Across the 70 homes, the "stutter" caused by people pulling out is minimal. Not subject to t_c impact
The total "friction" added to the system is only about **4 minutes** (3.5 seconds * 70 driveway) for the entire neighborhood to clear.

R3 scenario – the "spine" is saturated (Utilization 110%). This creates a **"Wall of Cars."**
A massive concentration at R3 Evulich Court try to exit **one single point** onto Linda Vista which is already at 110% capacity.
There are **zero natural gaps**. The "forced merge" effect take place at Evulich Court.
The total forced merging delay time = t_c x 51 units = 25.5 minutes
Additional 3 minutes delay need to be added for the rest of cars from R1 homes ➔ 28.5 minutes of merging delay is used

	Baseline (R_1)	Planned (R_3)	Analytical Assessment
Merging Type	Distributed	Concentrated	51 units create a massive "conflict point."
Gap Probability	High (80%)	Low (<5%)	High density eliminates natural gaps.
Avg. Wait per Merge	3.5 Seconds	30.0 Seconds	"Forced merging" stops the main flow.
Total Merging Delay	4.0 Mins	28.5 Mins	(Wait per Merge * No. of Units).

Queuing Delay (D_Q)

Queue will be formed when transit time between cars in traffic flow is shorter than Queuing Delay

Transit time (t_T) is inverse of flow rate at the demand capacity (λ)

Queuing delay (D_Q) @ 50% utilization ratio (ρ) is defined as intrinsic delay Time ($t_{intrinsic}$), 8 seconds is used for this analysis

- Queuing delay is **not linear,** $D_Q = \rho / (1- \rho) \times t_{intrinsic}$

R1 scenario – the system is ”Quiet." There are plenty of gaps between cars.

$t_{T,baseline} = 1 / \lambda_{baseline} = 16$ sec/car vs. $D_{Q,\ baseline} = 4.6$ sec/ cars

$t_{T,baseline} > D_{q,\ baseline}$ ➔ the "backlog" never builds up

~2.5 minutes to account for the very tail end of the line (~30 cars)

R3 scenario – the system is "Over-Saturated." Cars are arriving faster than the intersection can process them. "Standing Queue" forms.

248 cars want to leave in 30 mins. vs. $\mu_{planned}$@ 450 cars/hr flow rate, the intersection can only handle 225 cars in 30 mins

23 cars are physically unable to leave the street during the safe window.

Those 23 cars, plus the massive slow-down caused by the 225 cars ahead of them crawling at a 110% saturation rate, results in a queue that stretches nearly the entire length of the Linda Vista "spine."

In "Over-Saturation” traffic simulation, the average wait time for the last car in line jumps to **45+ minutes** just to reach the stop sign.

	Baseline (112 cars , R1)	**Planned (248 cars, R3)**
Utilization	37%	110%
Wait per Car	~5 Seconds	Infinite/Growing
Wait Time Logic	You wait for 5-10 cars.	You wait for 247 cars to clear a 1-lane exit.
Resulting Delay	2.5 minutes	45+ mins

Merging Delay (D_M)

Based on Gap Acceptance Theory in traffic engineering – the difficulty of a car find a 'gap' entering a moving stream of traffic.

- Merging time (t_m): A driver pulls up to their driveway, waits an average t_m (**3.5 seconds** used) for one car to pass, and merges.
- Critical Gap time (t_g): if cars on the road are closer than t_g, (**6 seconds** used) apart, you cannot merge
- Force Merging time (t_f): A driver pulls up to their driveway, forced merge their way into main road due to bumper-to-bumper traffic. This causes the car on the main road to slam on its brakes creating a shockwave. An average of t_f (**30 seconds** used) for one driveway to successfully "force merge" into the saturated line, pass and merges.

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R3 scenario – the "spine" is saturated (Utilization 110%). This creates a **"Wall of Cars."**

- A massive concentration at R3 Evulich Court try to exit **one single point** onto Linda Vista which is already at 110% capacity.
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Total Merging Delay	4.0 Mins	28.5 Mins	[Wait per Merge * No. of Units].

Feedback to The Health and Safety Element of the Cupertino General Plan: 2015 - 2040 Community Vision

High-Risk Zones Demand Street-Level Evacuation-to-Safety Analysis

Outdated census data and
planning-level methods
cannot manage modern wildfire risk

March 10, 2026

DerChang Kau

Retired Engineer, University Professor and Resident of Cupertino

Preface

Cupertino's current wildfire evacuation analysis relies heavily on **planning-level assumptions**, **dated population data**, and **static traffic metrics** that do not reflect real-world emergency conditions. Across all four sections below, a consistent theme emerges: **the City's Health & Safety Element is not aligned with the evacuation realities of a denser, more wildfire-exposed Cupertino in 2030–2040.**

The documents show that:

- The analysis uses **2023–2025 data**, ignoring the major density increases triggered by the **July 2024 rezoning**. As one section notes, it "*primarily reflects existing households*" rather than future conditions.
- The methodology remains **planning-level**, even though the City's own consultant acknowledges that **dynamic traffic assignment** is required for constrained areas.
- Critical evacuation zones—especially **CUP029**, which generates **38% of all evacuation trips**—are located within **Fire Hazard Severity Zones**, yet the City has not modeled evacuation at the street level.
- The use of **V/C ratios** dramatically understates evacuation risk. At V/C ≥ 1, "*the system is oversaturated and no longer functioning*," yet the report treats V/C > 2 as merely "more than one hour."

Taken together, these findings show that Cupertino's current evacuation analysis **cannot support long-range planning through 2040**. The City must adopt **dynamic, data-driven, future-oriented evacuation modeling** to protect residents and meet the intent of the General Plan's Health & Safety Element.

Section 1 — Dated Data Source

"*Outdated Inputs: Why the Current Evacuation Analysis Cannot Support 2040 Planning*"

The following data sources were used to estimate vehicle evacuation demand for residents, employees, students, and visitors in "Evacuation Route Capacity Report"

- **2023 American Community Survey (ACS) 5-year Estimates:** Used for population, household data, and vehicle ownership distribution.
- **Genasys Protect:** Provides population, household estimates, and designated evacuation zones.
- **StreetLight Data (2024):** Used to evaluate and compare traffic volumes between school and non-school periods.

This analysis represents a snapshot of the city's current evacuation capacity based on the most recent available census and municipal data from **2023–2025**. It does **not** incorporate the increased residential densities anticipated under the **July 2024 rezoning**. As noted in the original text, *"using 2023 ACS data and July 2025 Genasys data, it primarily reflects existing households."*

For example, Evulich Ct. is evaluated using its existing **4-unit R1 zoning**, rather than the **51-unit R3 density** under the rezoning. Consequently, **Figure HS-3** in Chapter 7 of the *Health and Safety Element | General Plan (Community Vision 2015–2040)* does not identify this area as required under **Policy HS-2.13**, which highlights residential parcels with fewer than two ingress/egress routes.

Because the analysis relies on pre-rezoning conditions, the document does not adequately support long-range planning through the year **2040**. The document is therefore inadequate to support a general plan to the year 2040.

Section 2 — Traffic Flow Methodology

"Planning-Level Methods Are Not Enough: Cupertino Needs Advanced Evacuation Modeling"

The referenced sources describe the current "planning-level" assessment as a broad evaluation of transportation system capacity rather than a definitive evacuation plan. While this type of assessment is useful for identifying major bottlenecks and informing policy decisions, it also explicitly acknowledges that more detailed, higher-resolution studies—such as dynamic traffic assignment—are the appropriate next step for areas with significant constraints.

As Fehr & Peers note, community-scale wildfire evacuation assessment is an emerging field. However, general guidance does exist, including ISO 22315 and NIST's ESCAPE framework. Given Cupertino's substantial wildfire exposure and its position at the center of global science and technology innovation, the city is uniquely positioned to take a leadership role in advancing rigorous, data-driven evacuation assessment and mitigation planning. Several jurisdictions, including Marin County, have already begun such modeling efforts to identify evacuation bottlenecks and evaluate mitigation strategies[‡].

Leadership in this area could include:

- Scenario-based wildfire evacuation simulations
- Traffic network evacuation time analysis
- Population departure behavior modeling
- Redundant evacuation route and shelter analysis
- Quantitative evacuation performance metrics (clearance time, route saturation, etc.)

A forward-looking evacuation assessment framework would not only strengthen public safety for current residents but also provide a valuable foundation for evaluating the cumulative evacuation impacts of future development.

‡:https://www.marinwildfire.org/news/the-state-of-the-science-in-wildfire-evacuation-modeling-a-literature-review?utm_source=chatgpt.com

Section 3 — Prioritize Local Level Evacuation Route with FHSZ Map

"High-Risk Zones, High Stakes: Street-Level Modeling Required for FHSZ Evacuation"

This analysis is based on the evacuation routes released by the City of Cupertino in August 2025. Every one of those designated routes lies outside the mapped Fire Hazard Severity Zones (FHSZ). Yet four zones—CUP-016, CUP-017, CUP-029, and CUP-032—are fully or partially within Moderate, High, or Very High FHSZ. Given this reality, it is no longer acceptable to rely on a "planning-level" review of the main evacuation route shown in Figure 2. The City must move beyond high-level assumptions and conduct **street-level dynamic traffic assignment** within these at-risk zones. Anything less leaves thousands of residents exposed.

The findings in CUP-029 alone make the case unmistakable. CUP-029 represents **38% of all evacuation trips** in Scenarios A and C—the single largest share of evacuation demand. This is not a marginal zone; it is the **primary choke point** in a wildfire emergency. In Scenario A, McClellan Road—serving CUP-029 and CUP-032—reaches a V/C ratio of **4.2**, while Foothill Boulevard—serving CUP-017—reaches **4.0**. A V/C ratio of 1.0 already means a road is over capacity. These corridors are projected to operate at **four times** their hourly capacity during an evacuation. That is not a "constraint." That is a **system failure** waiting to happen.

Fehr & Peers themselves state that for "more constrained and congested conditions, higher-effort studies may involve modeled analysis of evacuation scenarios using dynamic traffic assignment to simulate traffic flow and evacuation times when street and freeway networks are at capacity." Cupertino's conditions are exactly what this warning describes. The City cannot continue to treat this as optional.

To protect residents, Cupertino must adopt **dynamic, data-driven tools** immediately. This includes the use of real-time traffic management systems capable of providing dynamic route guidance and monitoring to divert evacuees away from collapsing corridors. Furthermore, phased evacuation strategies must be developed not only for the main arterials but also for the **high-demand FHSZ zones themselves**, where evacuation surges originate. Without this, the extreme congestion projected on McClellan Road and Foothill Boulevard will materialize as modeled or worse, as real-world behavior is never as orderly as a static model assumes.

Cupertino has the data, the expertise, and the responsibility. The City must elevate this work beyond planning-level analysis and commit to the advanced modeling that wildfire-exposed communities across California are already pursuing. Residents deserve evacuation planning that matches the severity of the risk—not a framework that collapses the moment it is needed most.

Section 4 — Improvement to Evacuation-to-Safety Metric

"*Beyond V/C Ratios: A Total Evacuation-to-Safety Framework Is Essential*"

The current assessment fails to correct roadway capacity for emergency conditions. The Volume-to-Capacity (V/C) ratio used throughout the report is an over2023simplified metric, and the accompanying text is misleading. For example, on page 24 the report states:

> "*V/C ratios greater than 2… indicate that these roads would require more than one hour to accommodate the evacuation demand from the evacuation area.*"

This framing dramatically understates the severity of the problem. A V/C ratio above 1.0 does not simply mean "more than one hour." It means the system is **over-saturated** and no longer functioning. Cars are arriving faster than the roadway can process them. A standing queue forms. The system fails.

1. **Capacity Must Reflect Realistic "Adjusted Evacuation Route Capacity"**
   The "Adjusted Evacuation Route Capacity" used in this study relies on planning-level hourly capacities from the Highway Capacity Manual (2000). These values do not represent real-world evacuation conditions and fail to incorporate:
   - **Spatial Adjustments:** Increased residential density from the Housing Element requires downward adjustments to reflect degraded capacity on constrained terrain and limited visibility.

- **Temporal Adjustments:** School pickup periods and short-term curbside parking can severely reduce effective capacity during critical hours.
- **Operational Limitations:** The analysis assumes normal signal operations and does not account for "red-flash mode" during power outages—an extremely likely condition during wildfire events.

2. **Demand Must Reflect Realistic Future Conditions**
   The study is a snapshot of Cupertino's evacuation capacity based on 2023–2025 data. It does **not** account for the substantial density increases triggered by the July 2024 rezoning. Planning for wildfire evacuation using backward-looking data is planning through a rear-view mirror. It guarantees underestimation of future evacuation demand.

3. **Moving Beyond V/C: "Total Evacuation to Safety" Must Be the Standard**
   Fehr & Peers acknowledge that V/C ratios only identify bottlenecks; they do **not** measure total evacuation time. In traffic engineering and management science[¶], V/C is a well-established tool for quantifying queuing and merging delays. When V/C ≥ 1, the system is not merely "congested"—it is **over-saturated**, and two critical delays dominate:

¶: Stanford University,
Department of Civil and Environmental Engineering
Department of Management Science and Engineering

- **Queuing Delay:** As V/C approaches 1, delay increases non-linearly.

$$Delay = \frac{V/C}{1 - V/C} \times travel\ time$$

  When V/C ≥ 1, queues grow indefinitely. The roadway cannot clear vehicles.
- **Merging Delay:** When traffic density eliminates safe gaps, merging becomes impossible without forced maneuvers that further destabilize flow.

Consider CUP-029 at 8PM during a late-summer, wind-driven wildfire approaching from the south. A quickly encroaching fire from the foothills would paint the sky red. The tree canopy along Linda Vista becomes a "fuel tunnel." Residents have only one exit: northbound toward McClellan Road. Roughly 80 vehicles from 51 homes on Evulich Court must merge into an already over-saturated Linda Vista Drive. This is not a theoretical model—it is a life-and-death situation at the choke point.

Wildfires such as the Pacific Palisades Fire have spread at rates of **200 acres in 20 minutes**. Under these conditions, seconds matter. Residents need to be aware not just of potential evacuation bottlenecks, but how much time is required to reach safety. This requires the city to both plan and communicate a comprehensive and up-to-date evacuation plan that considers realistic models of queuing, merging, human behavior, and departure delays.

Human factors—delays in loading children, pets, and essential belongings—further slow departures. Without quantifying these delays, the City cannot provide residents with the knowledge they need to prepare for an evacuation that may unfold in minutes, not hours.

Fehr & Peers states that the V/C metric is only a baseline tool. They identify **dynamic traffic assignment (DTA)** and **phased departure timing** as the necessary next steps for an objective, safety-driven evacuation assessment.

In conclusion, Cupertino cannot rely on planning-level V/C ratios to evaluate wildfire evacuation safety. The City must adopt a **Total Evacuation to Safety** framework grounded in dynamic modeling, realistic capacity adjustments, and future population density. Anything less leaves residents with a false sense of security and exposes the community to unacceptable risk.

Closing Summary

"Why Cupertino Must Elevate Its Evacuation Planning Now"

Cupertino's current wildfire evacuation analysis provides a useful starting point, but it is fundamentally constrained by **outdated data**, **planning-level methodologies**, and **metrics that do not reflect real-world emergency behavior**. Across all four sections, the evidence is clear: the City's Health & Safety Element does not yet meet the level of rigor required to protect residents in a rapidly densifying, wildfire-exposed community.

The analysis relies on **2023–2025 population and traffic data**, even though the July 2024 rezoning dramatically increases residential density. As the document itself notes, it "primarily reflects existing households," leaving future evacuation demand unaccounted for. This gap alone makes the current assessment insufficient for long-range planning through 2040.

Methodologically, the City continues to rely on **broad, planning-level evaluations** despite its consultant's own acknowledgment that **dynamic traffic assignment** and **scenario-based evacuation modeling** are necessary for constrained areas. Peer jurisdictions across California have already adopted these advanced tools; Cupertino should not lag behind.

The risk is most acute in the **Fire Hazard Severity Zones**, from which evacuation surges originate. Zones such as CUP029 and CUP032 generate the largest share of evacuation demand, yet are absent from the City's street-level evacuation models behavior. Projected V/C ratios of 4.0–4.2 on McClellan Road and Foothill Boulevard indicate not congestion, but **system failure** under evacuation conditions.

Finally, the continued reliance on **V/C ratios** obscures the true danger. At V/C ≥ 1, "the system is oversaturated and no longer functioning," however the City's report frames V/C > 2 as merely "more than one hour." Residents need to understand **time to safety**, not just where bottlenecks occur. That requires modeling queuing, merging, human behavior, and departure delays—none of which are captured in the current framework.

In summary, Cupertino has the data, the expertise, and the responsibility to adopt a modern, dynamic, and future-oriented evacuation planning framework. The City needs urgently to meet the intent of the General Plan and to safeguard residents through 2040 and beyond. Cupertino must move beyond planning-level assumptions and commit to advanced, data-driven evacuation modeling that reflects the realities of wildfire risk and future population growth.

Feedback to Update to the Health and Safety Element of the Cupertino General Plan:
2015 - 2040 Community Vision

Outdated Inputs
Planning-Level Methods Are Not Enough
High-Risk Zones Require Street-Level Modeling
Beyond V/C Ratios: A Total Evacuation-to-Safety Framework

March 9, 2026

DerChang Kau
Resident of the City of Cupertino

Outdated Inputs

The City's evacuation analysis is built on pre-rezoning data and cannot support long-range planning.

- Uses 2023 ACS, 2025 Genasys, and 2024 StreetLight data
  - "*Primarily reflects existing households*" — not future density
- Fails to identify parcels with single ingress/egress as required by California Government Code Section 65302(g)(5)¶
  - Evulich Ct. modeled as 4 units, not 51 units allowed under rezoning
- A 2040 General Plan cannot rely on 2023 conditions

The analysis is outdated the moment it is published.

¶ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65302.&article=5.&highlight=true&keyword=Fire%20Hazard%20Severity%20Zone#:~:text=(5)%20Upon%20the%20next%20revision,revision%20of%20the%20safety%20element.

Planning-Level Methods Are Not Enough

Cupertino must move beyond broad, planning-level assessments to dynamic, high-resolution evacuation modeling.

- Current method is a “broad evaluation,” not a plan
  - Fehr & Peers: constrained areas require dynamic traffic assignment (DTA)
- DTA has been adopted widely
  - National guidance exists: ISO 22315, NIST ESCAPE
  - Peer jurisdictions (e.g., Marin County) already use advanced modeling
- Needed tools:
  - Scenario-based simulations, Evacuation time analysis, Departure-behavior modeling, Redundant route & shelter analysis, Quantitative performance metrics

Cupertino should be a leader—not a laggard—in evacuation planning.

High-Risk Zones Require Street-Level Modeling

Four evacuation zones lie within Fire Hazard Severity Zones, yet the City has not modeled their street-level evacuation behavior.

- All designated evacuation routes lie outside FHSZ
- But CUP016, CUP017, CUP029, CUP032 lie inside Moderate–Very High FHSZ
  - CUP029 alone = 38% of all evacuation trips
  - McClellan Road V/C = 4.2; Foothill Blvd V/C = 4.0
  - These are not “constraints”—they are system failures
- City must adopt:
  - Street-level DTA, Real-time traffic management, Phased evacuation strategies for FHSZ zone

Thousands of residents remain exposed until Cupertino models evacuation where the risk actually exists.

Beyond V/C Ratios: A Total Evacuation-to-Safety Framework

V/C ratios hide the true danger.

Cupertino needs a Total Evacuation-to-Safety model.

- V/C > 1 means **oversaturation** — "*the system fails*"
- Current study uses **planning-level capacities** from year 2000
- Missing adjustments:
  - Spatial (density, terrain, visibility), Temporal (school pickup, curbside parking), Operational (signal outages, red-flash mode)
- Real evacuation requires modeling:
  - Queuing delays, Merging delays, Human behavior, Departure lag

Residents need to know time to safety, not just where bottlenecks occur.

Evulich Ct. : Evacuation to Safety Modeling

Based on 2023 American Community Survey (Used for population, household data, and vehicle ownership distribution). ➔ Does not include 2024 re-zoning

Include 2024 re-zoning of Evulich Ct., a.k.a. 10857~10887 Linda Vista Dr to R3 (51 units in red box)

The visual animation is courtesy of David Yan, yet another resident of Cupertino

5’ after Red Flag Warning issued

15’ after Red Flag Warning issued

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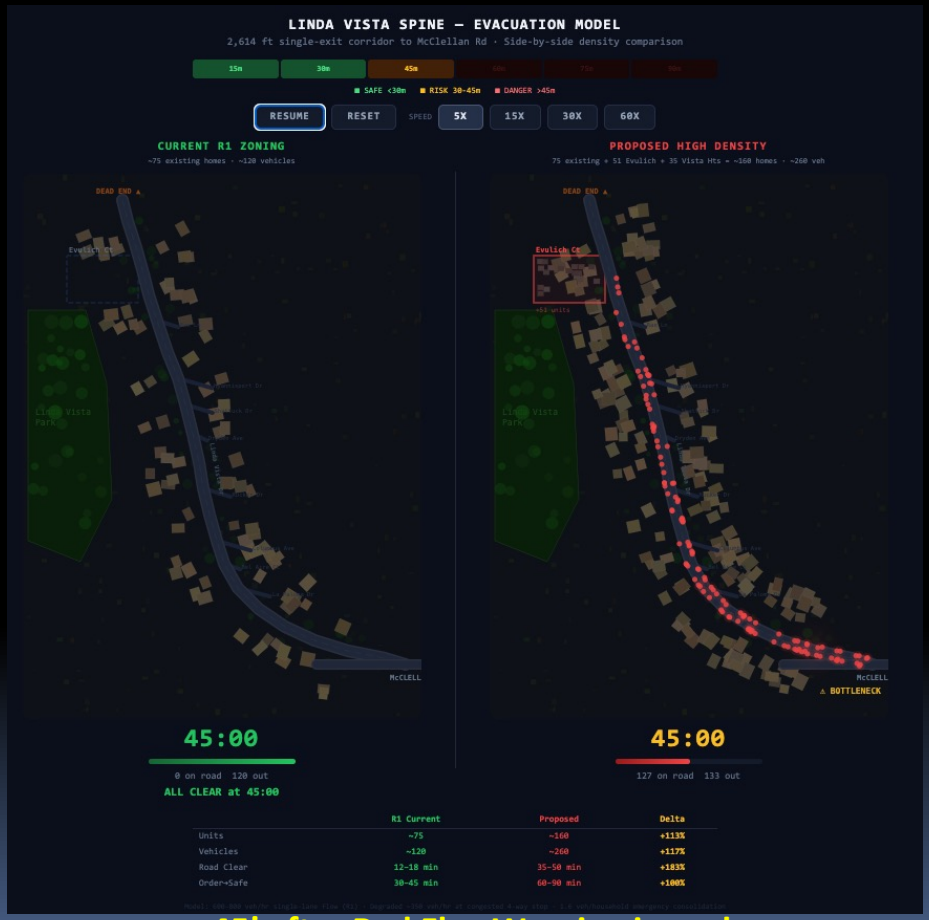
30’ after Red Flag Warning issued



45’ after Red Flag Warning issued

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Pre-2024 re-zoning

Entire Linda Vista spine safely evacuated in 30 minutes or less

Post-2024 re-zoning

More than 1 ½ hours required for Evacuation to Safety

60’ after Red Flag Warning issued

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Summary: Cupertino Must Elevate Its Evacuation Planning

The current evacuation analysis is not sufficient for a wildfire-exposed, rapidly densifying Cupertino.

The City must adopt modern, data-driven methods to meet 2040 safety needs.

- Dated data source
- Over simplified methods despite known constraints and consultant guidance
- High-risk zones (CUP016, 17, 29, 32) require street-level modeling
- V/C ratios mask true danger — oversaturation means system failure, not delay
- Residents need time-to-safety modeling, not bottleneck identification
- Peer jurisdictions already use dynamic traffic assignment & scenario-based tools

To protect residents and meet the intent of the Health & Safety Element, Cupertino must move beyond planning-level assumptions and commit to advanced, future-oriented evacuation modeling now.

Subject: Re: Feb/24/2026 Planning Commission Public Hearing –
Technical Rebuttal to "Transportation Analysis for the Proposed Townhomes at 10857 Linda Vista Drive in Cupertino, CA" by Hexagon Transportation Consultants, Inc.
https://cupertino.legistar.com/gateway.aspx?M=F&ID=8a56f691-e5d1-472e-9ba9-753651a0bd2e.pdf

To: Cupertino City Planning Commissioners
CC: Planning Staff, City of Cupertino
From: DerChang Kau, 10847 Linda Vista Drive, Cupertino

Dear Chair and Honorable Commissioners,

The "Safety Assessment" on page 22 of the Hexagon report concludes that the project "would not worsen existing geometric hazards". We contend that this finding is based on incomplete data and fails to address the unique life-safety risks of the Linda Vista "Spine."

1. Failure to Model Emergency Surge Conditions

- **The Error:** Hexagon's analysis is based on "Peak Hour" trips, estimating only **30 vehicles** will exit the site during the busiest hour of a normal day.
- **The Reality:** In a wildfire evacuation, the demand is a **simultaneous surge**. Our integrated model shows that **248 vehicles** must exit the spine in a 30-minute window.
- **The Impact:** Hexagon ignores the **Utilization Ratio of 110%**, where demand exceeds road capacity, causing total system failure.

2. Ignoring Intersection Degradation (McClellan Choke Point)

- **The Error:** The report assumes the Linda Vista/McClellan intersection functions at a standard "Level of Service".
- **The Reality:** Disaster events (fire/earthquake) often lead to power outages, turning the signal into a **4-way stop**.
- **The Impact:** This condition drops flow rates by **50%**, doubling the physical exit time and trapping residents in the "tunnel of fire".

3. Omission of Merging Conflict and Shockwave Delay

- **The Error:** Hexagon evaluates the new cul-de-sac for basic garbage truck turning templates but ignores "merging friction".
- **The Reality:** Concentrating 51 units into one entry point on a saturated single-lane road creates **"forced merging"**.
- **The Impact:** As shown in our analytical model, this creates a **28-minute "Shockwave Delay"** that stalls the entire evacuation route for all 155 households.

Conclusion: A Quantifiable Safety Violation

The Hexagon report addresses "Daily Operations" but fails to provide a **"Project-Specific Evacuation Plan"**. Because the project pushes the total "Order to Safety" time from **less than 30 minutes** (current R1) to **more than 90 minutes** (planned R3), it creates a "specific, adverse impact upon public safety" that cannot be mitigated by standard street design.

The General Plan Public Safety Element requires the City to reduce wildfire risk and ensure adequate emergency access and evacuation capability for existing and future residents. The Mobility Element likewise requires that the circulation system function safely and reliably, not only under daily peak conditions but for emergency response. The Hexagon report evaluates routine traffic operations; it does not evaluate emergency surge evacuation performance on the single-access Linda Vista spine.

Because the Hexagon report only focuses on "daily traffic", I strongly recommend city planning department urge SummerHill Homes consulting with reputable agencies in wildfire evacuation analysis and protection planning, such as Reax Engineering for evacuation modeling and Dudek for CEQA fire protection planning to produce flawless and adequate wildfire evacuation risk analysis and mitigation plan.

Thank you.

Sincerely,
DerChang Kau
10847 Linda Vista Dr
Cupertino, CA 95014
Email: DerChang@Gmail.com
Phone: (408)-446-5150 (Residence)
(408)-398-6086 (Mobile)

Cupertino Planning Commission Hearing

10350 Torre Avenue, Cupertino

Feb/24/2026

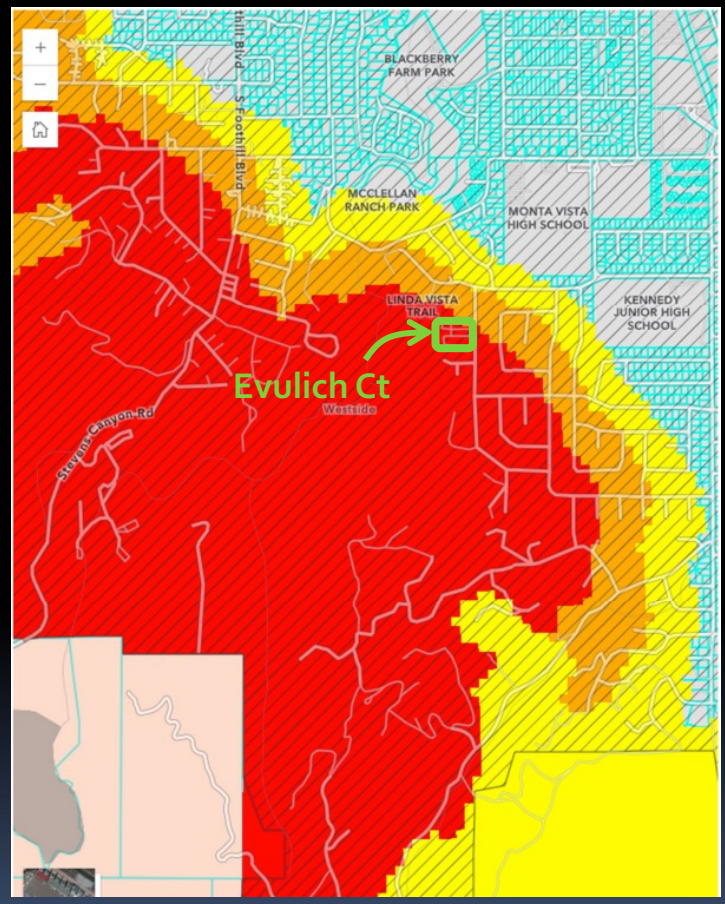
Emergency Evacuation Subject to Evulich Ct Development Project

Significant Safety Finding
Quantified Results with Life-and-Death Consequences
The Asks

DerChang Kau
10847 Linda Vista Drive
Cupertino

Significant Safety Finding re the Proposed Evulich Ct Project

- 2025 CAL FIRE LRA update fundamentally changed the safety baseline for this parcel.
  - Re-zoning of this site to R3/TH in July 2024 was based on the 2007 (FHSZ) maps.
- Total evacuation during a wind-drive wildfire accident will more than double the Critical Safety Window
  - Critical Safety Window: 30 minutes, based on a 20-minute fire spread rate of 200 acres (Pacific Palisade Fire Data)
  - Total evacuation time more than double from less than 30 minutes with current status to 60~90 minutes or more with R3/TH at Evulich Ct



Fire Hazard Severity Zone (FHSZ) maps, the **March 2025 CAL FIRE LRA update**

Mathematically Rigorous, Objective Results with Life-and-Death Consequences

All conclusions derived from transparent assumptions, validated models, and reproducible calculations.

Traffic Utilization Ratio Matters

- Baseline @ 37%: The system is "Under-Saturated." No queue; you drive straight to the stop sign and leave.
- Planned @ 110% : The system is "Over-Saturated." a "Standing Queue" forms; the line of cars gets longer.

Delays to Safety

- Queuing Delay: Because the R3 Utilization is 110%, the queue never clears. You are now waiting for the cars ahead of you to clear a "bottleneck" that is physically too small for the crowd. This is a mathematical proof that the road cannot physically clear the neighborhood in under 30 minutes.
- Merging Delay: The 51-unit project creates a Concentrated Conflict Point that adds 28.5 minutes of 'Shockwave Delay' to the evacuation. This is not a subjective preference; it is a mathematical consequence of forcing high-density merging into a saturated, single-lane 'spine' during a surge event."

	Baseline	Planned	Logic & Boundary Conditions
Total Units (N)	70 Units	155 Units	Includes Evulich & Vista Heights.
Vehicle Load (V)	112 Cars	248 Cars	1.6 vehicles/HH
Capacity (μ)	600 Cars/Hr	450 Cars/Hr	Road capacity.
Utilization (ρ)	37%	110%	Demand / Capacity.
Queuing Delay (D_Q)	2.5 mins	45.0+ mins	Exponential delay at saturation.
Merging Delay (D_M)	4.0 mins	28.5 mins	"Critical Gap Acceptance" model
Human Factor (D_H)	20.0 mins	20.0 mins	Time from alert to vehicle in gear.
Total Evacuation	26.5 mins	93.5+ mins	Sum of: [D_Q+D_M+D_H].

Critical Safety Window: 30 minutes, based on a 20-minute fire spread rate of 200 acres (Pacific Palisade Fire Data)

The Asks

- **Consistency Review:** A formal analysis by the Fire Marshal to determine if 51 units is consistent with the **2025 Health and Safety Element Update** and its "Evacuation-Constrained" criteria.
- **Supplemental CEQA Review:** A re-evaluation of the project's impacts on emergency evacuation plans, given the change in the environmental hazard baseline as of March 2025.
- **Consideration of Mitigation:** We propose that a lower-density, R1-aligned project of **12 single-family homes** serves as the only feasible mitigation to preserve the "Vista" in Linda Vista while maintaining a safe, 30-minute evacuation window.

From: David Yan
To: City Council; City Clerk
Subject: Evulich Court: The Case for a Closer Look
Date: Friday, March 13, 2026 4:48:52 PM
Attachments: LindaVista_CouncilBrief_v03.17.2026(F).pptx
LindaVista_CouncilBrief_v03.17.2026(F).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.

For inclusion in the written communications for the March 17, 2026 City Council meeting and made part of the administrative record for this item

Mayor Moore, Vice Mayor Chao, and Councilmembers:

Please see attached presentation regarding the Evulich Court project. I have included both PowerPoint and PDF formats.

City Clerk - I will be presenting these slides at the meeting. Could you please confirm receipt and arrange for them to be displayed during my presentation?

Regards,

David Yan

MARCH 2026

7 Reasons Evulich Court Cannot be Approved

A summary for City Council. The case for a closer look.

The Legal Standard and What It Requires

The Council may deny this project if there is substantial evidence that the development will pose a health and safety hazard.

THE LEGAL THRESHOLD

Substantial evidence that the development will pose a health and safety hazard.

Government Code Section § 66474(f) and the Subdivision Map Act public safety finding require the City to affirmatively support its conclusion that no serious public health risk exists.

Seven independent grounds demonstrate that standard was not met. Any one of them is sufficient. Together they present a record the City cannot cure by producing documents after the fact.

SEVEN INDEPENDENT GROUNDS

1. **The road cannot safely evacuate this neighborhood**
2. **The City's own study found both exits at over 200% capacity**
3. SB 330 vesting does not freeze the health and safety obligation
4. Setback waiver removes required defensible space with no equivalency
5. Fire safety was built around large 51 townhomes, not fire safety
6. Mitigation measures fail AB 130's required protective effect
7. The project's specific wildfire risk analysis did not exist at approval

What the Council Must Decide

The CEQA exemption applies only if the record demonstrates all three of the following. If any one is not demonstrated, the exemption does not apply and the project cannot proceed on this record.

01

Evacuation Safety

The record must show the corridor can safely evacuate residents within the time window established by current wildfire data. No city analysis of this corridor exists in the record.

02

Wildfire Safety

The record must show the project adopted fire mitigation measures pursuant to PRC Sections 4290, 4291, and Chapter 7A. The Fire Department's own review confirms nonconforming setbacks and deferred the project specific wildfire plan to a future stage.

03

Compliance With Existing Standards

Setback waiver removes 20 ft of required defensible space with no equivalency analysis in the record.

The AMMR approval does not satisfy AB 130's fire condition. No state agency including CAL FIRE or HCD has made that determination. The only entity claiming it does is the applicant's own consultant.

Independent Engineering Analysis: 93 Minutes to Evacuate

A resident engineer applied standard traffic queuing methodology to the approved density. The safe window from the 2025 Palisades Fire is 30 minutes. The City produced no contradicting analysis.

93 min
Total evacuation time
With added corridor density

30 min
Safe window
2025 Palisades Fire benchmark

110%
Road utilization
Failure threshold is 100%

0
City corridor evacuation analyses in the record
Across the entire proceeding

About the analyst: DerChang Kau is a retired Intel Fellow and Adjunct Professor of Engineering. His methodology applies standard traffic engineering queuing theory and gap acceptance theory to the approved project density using published emergency evacuation parameters. A preliminary evacuation throughput estimate based on conservative flow assumptions is shown below. It is not presented as a substitute for Fire review. It illustrates why a corridor level evacuation analysis should have existed in the record before approval.

The City made an affirmative public health finding under the Subdivision Map Act without any corridor evacuation analysis with no data to support it. An affirmative finding requires affirmative evidence. The record contains neither.

A Present Tense Health and Safety Finding Cannot Ignore Current Data

In October 2025, a City obtained a Fehr & Peers evacuation study found both exits to Linda Vista operate at over 200% of capacity under evacuation conditions. The study was not placed in the administrative record before the February 24, 2026 PC meeting.
It was produced for the first time on March 9, 2026.

Over 200%

McClellan Road capacity under evacuation conditions

City commissioned Fehr and Peers study, Oct. 2025

Over 200%

Bubb Road capacity under evacuation conditions

City commissioned Fehr and Peers study, Oct. 2025

What over 200% means: at 100% utilization, a standing queue forms and does not resolve. Both exits were already failing before this project adds any units. This is not a future risk. It is a current condition documented by the City's own consultant.

Why the City cannot look away from this study

The Subdivision Map Act requires a **present tense** finding that the subdivision will not cause serious public health problems. That obligation runs at the time of approval, not the time of application. The study existed. The City had it. A present tense health and safety determination in a Very High Fire Hazard zone on a single access corridor cannot responsibly proceed without accounting for the City's own current technical findings about the capacity of that corridor.

SB 330 Vesting Does Not Freeze the Health and Safety Obligation

The Applicant (and city) argues SB 330 locks in pre 2025 conditions. That argument fails on two independent grounds and actually cuts against the Applicant on AB 130.

GROUND ONE

SB 330 vests against changes in local ordinances and policies. It does not vest against physical reality.

The October 2025 Fehr and Peers study did not create a new standard. It documented existing physical conditions on a road that has always had one entrance and one exit. The Subdivision Map Act public safety finding requires a present tense determination. SB 330 protects against regulatory moving goalposts. It does not convert a present tense health and safety obligation into a historical one.

SB 330 Section 65589.5 / Gov. Code Section 66474(f)

GROUND TWO: THE DOUBLE DIP PROBLEM

The developer cannot selectively freeze time.

The Applicant's position freezes time in only one direction.

The project invokes SB 330 vesting to argue the March 2025 Very High Fire Hazard reclassification does not apply because the application predates it.

Yet the same project invokes AB 130, enacted June 30 2025, to obtain a CEQA exemption that did not exist when the application vested.

AB 130 is a CEQA exemption, not a fire safety certification. Meaning the City must still make a separate Subdivision Map Act safety finding.

Vesting cannot operate selectively. If SB 330 controls the applicable regulatory framework, it applies to both burdens and benefits. The Council must still make a present tense public safety finding under the Subdivision Map Act based on the conditions that exist today.

The 20 Foot Setback Waiver Removes Required Defensible Space with No Equivalency

AB 130 requires fire mitigation measures that achieve the same practical effect required by CCR Title 14 § 1276.01(b). The Fire Department waived the 30-foot setback, removing 20 feet of defensible space in a Very High Fire Hazard Zone. The approved compensatory measures do not replace the lost spatial separation, and no equivalency analysis appears in the record.

WHAT THE LAW REQUIRES

AB 130 requires fire mitigation measures adopted pursuant to existing building standards, including the 30 foot building separation setback under CCR Title 14 Section 1276.01(a).

Pursuant to means in conformity with. Not in authorized substitution for.

Gov. Code Sec. 65913.4(a)(6)(D) and PRC Sec. 21080.66

WHAT THE RECORD SHOWS

Statutory Requirement

PRC Section 21080.66 requires compliance with PRC 4290, PRC 4291, and Chapter 7A.

Fire Department Record

"PRC 4290: Exception request approved. Nonconforming setbacks to be mitigated through increased fire separation distance and modified sprinkler systems."

"Provide Final Fire Protection Plan at building permit stage identifying wildfire mitigation measures."

The Issue

Nonconforming setbacks. Mitigation instead of the standard. Wildfire plan deferred. AB 130 requires compliance, not an exception to it.

Result: Setback reduced from 30 to 10 feet. Twenty feet of defensible space removed from a reclassified Very High Fire Hazard zone. No state agency including CAL FIRE or HCD has determined that an AMMR approval satisfies AB 130's fire condition. The only entity making that interpretive leap is the applicant's own consultant.

The Fire Safety Case Was Built Around Large 2700 sq homes, Not the Other Way Around

The developer's own filings confirm the project was designed to a unit count and size first. Fire mitigation was retrofitted around the resulting layout. AB 130's fire condition exists to prevent exactly this sequence.

01

2700 sq foot homes (51 units) drove the design. Fire safety came second.

The applicant's AMMR justification narrative states the setback reduction was required by the need to fit 51 units on the site. Fire mitigation was not a design driver. It was a post hoc signoff on a 2700 sq foot layout. AB 130's fire condition exists to ensure high hazard zone projects are genuinely designed around wildfire risk, not to provide a compliance stamp after unit counts are locked in.

02

The cited mitigation measures were already required by law regardless of AB 130.

Chapter 7A, fire sprinklers, and fire resistant exterior materials apply to every project in a Very High Fire Hazard zone by operation of law. AB 130 requires measures adopted in response to the fire hazard condition. Passive compliance with universal baseline requirements does not satisfy an adopted standard. The record contains no analysis of what specific protection the waived 30 foot setback provided and what measures beyond the baseline were adopted to replace it.

03

PRC Section 4291, defensible space, was never analyzed by anyone.

PRC 4291 requires a defensible space clearance analysis. It does not appear in the Fire Department plan review, the AMMR application, or the AB 130 qualification memo. The landscape zone drawings (Sheets L7.1 and L7.2) address vegetation placement only. None of them analyze whether the waived setback satisfies the defensible space obligation PRC 4291 imposes. This is not a documentation gap. It is a substantive gap that cannot be cured after the fact.

AB 130's fire condition is not a checklist of minimum code requirements. It is a substantive standard requiring demonstrated equivalency to specific state fire protections. The record does not contain that demonstration.

The CEQA Exemption Requires Fire Mitigation That Achieves Equivalent Protection. The Record Does Not Show It

PRC Section 21080.66(a)(6) requires measures PRC 4291, 4290, and Chapter 7A that achieve the same practical effect as the 30-foot setback for the CEQA exemption to apply. None of the 4 accepted measures demonstrate this on the record.

Measure Accepted by Fire	Addresses PRC 4291 Defensible Space?	Addresses PRC 4290 Setback Equivalency?	Independently in Administrative Record?
Sprinkler heads on covered patios within 30 feet of property lines	No. Interior suppression only.	No. Does not replace spatial separation.	No.
Noncombustible landscaping extending 5 feet from buildings	No. Vegetation placement only. Does not address defensible space or replace 20 feet of separation	No equivalency analysis in record.	No.
Fire separation requirements per CRC 302.4	No. Structural standard only.	Partial. Not analyzed against setback gap.	No.
Exterior wall fire resistance ratings within 30 feet of property lines	No. Governs wall materials, not siting.	No. Does not address spatial separation.	No.

Chapter 7A addresses how individual structures resist ignition from embers and radiant heat. It does not address where structures are sited relative to the wildfire hazard zone boundary. A project can achieve full Chapter 7A compliance and remain inadequately sited in a Very High Fire Hazard zone.

The Project Specific Wildfire Risk Analysis Did Not Exist at Approval

The Fire Department conditioned its approval on a wildfire plan to be submitted later. That plan does not exist. The CEQA exemption cannot rest on evidence that has not yet been produced.

What Condition 2 says:

The Fire Department's own plan review requires the applicant to submit a Final Fire Protection Plan at building permit stage, identifying mitigation measures to address the project's specific wildfire risk pursuant to CFC Section 4903.

What that means: the Fire Department itself acknowledged that project specific wildfire risk mitigation had not been determined at the time of approval.

Why this cannot be cured:

The City may argue this condition shows wildfire risk will be addressed later at the permit stage. That argument fails for a specific reason: the document David J. Powers cites as proof the fire condition is satisfied - the January 2026 Santa Clara County Fire Department plan review itself, requires the applicant to submit a Final Fire Protection Plan at the building permit stage. The exemption is supported by a document that defers its own conclusion. That is not substantial evidence. **It is a placeholder citing a placeholder.**

ADDITIONALLY: DOCUMENTATION IN THE RECORD

The AMMR form analytical fields each state See attached documentation. None of those attachments appear in the administrative record. The January 2026 Fire Department Plan Review Comments were not in the record before or during the hearing. Commissioner Scharf noted this on the record. The document carries a disclaimer stating it shall not be construed as an approval.

From: Alice Lin
To: City Council; Kitty Moore
Cc: Public Comments
Subject: City Council 3/17 Agenda #12 Linda Vista Drive Safety
Date: Saturday, March 14, 2026 11:03:36 PM

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: Cupertino City Mayor and Council
FROM: Residents of Cupertino
Date: March 14, 2026
Sub: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No

Dear Mayor Moore and Members of the Cupertino City Council,

I am writing to formally express grave concerns regarding the proposed 51-unit townhome project at 10857 Linda Vista Drive (TM-2024-009). The Staff Report's conclusion that **"no evacuation study has been required or reviewed"**because the City lacks "adopted objective standards" is an unacceptable prioritization of administrative loophole over resident safety.

The Council must address the following critical flaws in the current approval process:

1. **Failure to Address the "Very High FHSZ" Baseline** In June 2025, the City adopted updated CAL FIRE maps designating this specific parcel as a **Very High Fire Hazard Severity Zone (FHSZ)**. This updated baseline fundamentally changes the safety obligations under **Government Code Section 65913.4(a)(6)**. The City's reliance on an Environmental Assessment from July 2024—conducted when the site was only "High" risk—is outdated and fails to account for the increased severity of the hazard now officially recognized.

2. **Building Codes are Not Evacuation Plans** The project claims safety consistency based on **Chapter 7A of the California Building Code** and **PRC Sections 4290 and 4291**. However, these standards focus on **structure survivability**, not the ability of 51 new households to exit onto Linda Vista Drive during an emergency. While the Fire Department approved a "hammerhead turnaround" for fire trucks to enter, there has been zero analysis of how 100+ additional resident vehicles will safely evacuate the neighborhood simultaneously.

3. **Improper Deferral of the Fire Protection Plan (CFC 4903)** The Santa Clara County Fire Department has conditioned the project to provide a **"Final Fire Protection Plan"** consistent with **CFC 4903**. Shockingly, the City is allowing this critical safety analysis to be submitted at the **building permit stage**, long after the City Council has lost its discretionary power to reduce density or require significant site plan changes. Safety mitigations must be identified *before* approval to ensure they are actually feasible.

4. **Circumventing the Housing Accountability Act (HAA)** Under the HAA, the City can only disapprove or reduce the density of this project if it finds a **"specific, adverse impact upon the public health or safety"**. By claiming it has "no objective standards" for evacuation, the City is intentionally avoiding the very analysis that would likely provide the "preponderance of evidence" needed to make such a safety finding.

Conclusion Public safety is not a "non-objective" concern. State law, including **GC 65302(g)(5)**, requires that the City ensure adequate evacuation routes in FHSZs. We urge the Council to mandate a formal **Wildfire Evacuation Capacity Study** as a condition of approval. The City cannot grant **PRC 4290 exceptions** for reduced setbacks while simultaneously refusing to study the resulting evacuation risks.

Respectfully,

Alice Lin

From: Nancy Wu
To: City Council; Public Comments
Subject: Evulich Court
Date: Saturday, March 14, 2026 1:43:47 PM

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 City Council of Cupertino,

Regarding the Evulich project, please carefully consider the following two points.

1. Fire Safety of the Residents is a City Responsibility. Because lawyers are using various loop-holes to make unsafe developments, does not abdicate the city from it.

2. And the residents will actively support the city and the city council when it comes to defending the city against any legal threats by Big Real Estate because the city is standing up to its responsibility to keep us safe.

Sincerely,

Nancy Wu

Resident on Castleton Street in Cupertino

From: Seema Lindskog
To: City Council; City Clerk; Cupertino City Manager"s Office
Subject: Support the trail access from the Evulich Ct development to the Stevens Creek trail
Date: Thursday, March 12, 2026 5:32:33 PM

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.

Mayor Moore, Vice Mayor Chao, and Council members,

I am on the City of Cupertino Planning Commission, but today I'm writing as a resident.

When you consider the Evulich Ct development at Tuesday's Council meeting, please support the trail access connection from the development to the Linda Vista section of the Stevens Creek Trail.

In multiple city surveys, residents cite connectivity and proximity to nature as one of the things they want the most. A huge benefit of living in Cupertino is that we have such amazing nature trails for residents to enjoy.

The 3-30-300 rule of urban planning, endorsed by the United States EPA, the European Union, the WHO, and multiple other organizations, states that the best practice for urban planning is that residents should have access to nature within 300 meters of their home (a little under 1,000 ft).

The trail access from Evulich Ct is a public access which benefits everyone in the neighborhood. It gives mid-block access to the residents on Linda Vista Drive and surrounding streets. Without it, residents on these streets have to walk or drive much further to get to an entrance to the Stevens Creek trail either at Linda Vista Park or at McClellan Rd.

Summerhill Homes, the developer, has agreed to ask for a reduction in the in-lieu park fees for only the simple cost of building this trail access. Compared to costs the city incurs for similar projects, which require multiple bids and other constraints, this is a very cost effective option and a prudent use of city resources.

The Planning Commission voted 3-2 to support the trail access when they reviewed the project. I urge you to also support the trail access connection.

Thank you for everything you do for our city.

Sincerely,
Seema Lindskog

"You must be the change you want to see in the world." - Mahatma Gandhi
This message is from my personal email account. I am only writing as myself, not as a representative or spokesperson for any other organization.

From: V Lentfer
To: Public Comments
Cc: City Council; R "Ray" Wang; City Clerk; Jim Lentfer; Randy Ong
Subject: City Council 3/17 agenda #12 Linda Vista Drive/Evulich. VOTE NO!
Date: Monday, March 16, 2026 1:51:08 PM

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 Mayor Moore and Councilmembers,

My name is Veronica Lentfer and I live near the proposed 51-townhome development on Linda Vista Drive/Evulich Court.

First, I support adding thoughtful housing in Cupertino. Our region needs more homes, and well-planned development can be part of the solution.

On September 6, 2024, our neighborhood group met with City Manager Pamela Wu and Mayor Sheila Mohan to deliver a petition signed by **745 neighbors**, all expressing shock and concern about this proposal. This shows the community has been concerned from the moment they first heard about it.

There are also **process concerns**. For major zoning changes, proactive notification is expected, and skipping it creates the perception **that development interests move faster WITHOUT getting community input.**

The current plan would place 51, 4 bedroom 1700-2300 square foot townhomes on a **2.53-acre parcel**, roughly **20 units per acre**, in the middle of an established single-family neighborhood, far from transit and commercial centers. Higher-density housing works best near transit, jobs, and services—reducing traffic and allowing residents to rely less on cars. Placing this project here increases traffic on streets not designed for it and isolates residents from walkable amenities. My adult children could not afford the minimum $2mil + prices of these homes! **These homes are clearly not starter homes!**

It's also important to note that this parcel was historically zoned **R1 for single-family homes for over 60+ years**, reflecting the character of our neighborhood, until it was rezoned in July 2024 to allow multi-family townhomes **without** notifying the 745 neighbors who signed the petition. The current proposal departs significantly from that original intent, dramatically increasing density and altering the neighborhood's character.

Some neighbors have observed that the townhomes **look more like a Courtyard**

Marriott Hotel rather than a residential development, highlighting how out of scale and out of character it is compared with nearby homes.

You don't get a redo on this site. Its development will be part of our neighborhood **forever**. We, the neighbors, will have to live with its density, scale, design and traffic impact for decades, so it's essential that it fits responsibly within the existing community.

Another major concern is **fire safety**. The density and design could create challenges for emergency access and evacuation. **I urge the Council to fully review all fire safety issues before granting any approvals, rather than waiving requirements or assuming problems will be resolved later.** Safety must be a non-negotiable priority.

If the Council moves forward, I strongly encourage **scaling the project to better fit the neighborhood**: fewer units, smaller homes, underground parking, and adherence to city height and design standards without waivers. While affordable units are important, waiving guidelines in exchange for a few below-market-rate homes can produce a development that is out of scale with its surroundings.

We all want more housing in Cupertino, but smart growth means placing it where it works for both the city and the neighborhoods—not cramming 51 three-story units into 2.5 acres in the middle of single-family homes far away from transit and commercial centers.

Vote NO on the Linda Vista Drive/Evulich project.

Thank you for your time.

Veronica Lentfer

From: Alice Lin
To: Public Comments
Cc: City Council
Subject: City Council 3/17 Agenda #12, 10857,10867,10877,10887 Linda Vista Drive, Please Vote No
Date: Monday, March 16, 2026 1:43:47 PM

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 Council Members,

Please vole no to the project. SummerHill Home's application of building 2700sf home is larger than any of single house in Linda Vista Neighborhood. They are building mansions, not starter homes as Council member JR Fruen is claiming. City Councilors must stop using urban density reform to polarizing the community.

Respectfully yours

A concerned resident living at Monta Vista neighborhood

From: DerChang Kau
To: City Council
Cc: Public Comments
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No
Date: Monday, March 16, 2026 1:18:09 PM

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: Cupertino City Mayor, Vice Mayor and Council Member
CC: Public Comment record
From: concerned residents of Cupertino

Please vole no to the project. SummerHill Home's application of building 2700sf home is larger than any of single house in Linda Vista Neighborhood. They are building mansions are not starter homes as Council member JR Fruen is claiming. City Councilors must stop using urban density reform to polarizing the community.

Respectfully yours

A concerned resident living at Monta Vista neighborhood

From: James Choi
To: Public Comments
Cc: City Council
Subject: Written Communication for the March 17, 2026 City Council meeting for Agenda Item #12: Evulich Court / Linda Vista Dr / SummerHill Homes Development:
Date: Monday, March 16, 2026 11:34:16 AM

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.

Written Communication for the March 17, 2026 City Council meeting for Agenda Item #12: Evulich Court / Linda Vista Dr / SummerHill Homes Development:

Dear Members of the Cupertino City Council,

I am writing to you as a deeply concerned resident living near the proposed 51-unit SummerHill development on Linda Vista Drive. While I understand the state-level pressures and mandates regarding housing, I am urging the Council to **pause and re-evaluate this project**. This is a matter of **life and safety** for every resident in this neighborhood. Our lives are effectively in **your hands**, and we **trust you** to ensure that development does not outpace the fundamental infrastructure required to protect us.

Please consider the following critical points:

- **Fire Safety is a City Responsibility:** The safety of residents is a fundamental city responsibility. The use of legal loopholes by developers to push through unsafe projects does not abdicate the City of its duty to protect its citizens.
- **Legal Position on Fire Risk:** While the City may claim its hands are tied by state law and that it is forbidden from considering the Very High Fire Hazard Severity Zone or evacuation risks, this is simply a chosen legal position. In reality, the **City has the authority** to ensure a defensible fire mitigation and evacuation framework is in place before approving density in high-risk zones.
- **Standing Up to Developers:** Do not let SummerHill, their lawyer, or their legal threats dictate the future of Cupertino. The Planning Commission was recently threatened by their counsel on February 24th, 2026; I urge the Council not to concede to these tactics.
- **Independent Analysis is Required:** We cannot rely on SummerHill's own fire and safety analyses conducted by third-party companies; these hand-picked reports cannot be trusted to prioritize our safety over their profit.
- **Community Support:** The residents will actively support the City and City Council in defending against legal threats from "Big Real Estate" like SummerHill. We will stand behind you when you fulfill your responsibility to keep us safe.

The landscape regarding fire safety has changed, and the risks are more evident than ever. We need a citywide fire mitigation and evacuation framework that is current and technically sound before adding this level of density to a high-risk corridor.

I ask that you do not disregard this plea. We are looking to you to do the right thing, prioritize the safety of the people you represent over the interests of a developer, and get Cupertino back

on a track that values the lives of its residents.

Respectfully,
James Choi
11093 Bel Aire Ct, Cupertino

For your reference, I am including the safety gaps I emailed to the Planning Commission for the February 24th, 2026 hearing. Please review the 4 bullet points in detail below.

Written Communication for the February 24, 2026 Planning Commission meeting for Agenda Item #3: Evulich Court / Linda Vista Dr / SummerHill Homes Development:

Dear Members of the Cupertino Planning Commission,

I am writing to you as a concerned resident living near the proposed 51-unit townhome development at 10857–10887 Linda Vista Drive. While I understand the state-level pressures and mandates regarding housing, I am urging the Commission to **pause and re-evaluate this project**.

The stakes of this decision are not merely about maintaining the character of our community; they are a matter of **life and safety** for every resident in this neighborhood. Our lives are effectively in **your hands**, and we **trust you** to ensure that development does not outpace the fundamental infrastructure required to protect us.

I request that the Commission consider the following critical gaps in the current record:

- **Outdated Emergency Planning:** The City's Emergency Operations Plan predates the proposed increase in density and, more importantly, the recent fire hazard reclassifications. Approving a project of this scale in a **Very High Fire Hazard Severity Zone** based on years-old assumptions is a risk the community cannot afford.
- **Lack of Cumulative Impact Analysis:** The City is currently evaluating this project in a vacuum, despite the other Linda Vista project, **Vista Heights**, also potentially moving forward concurrently nearby. Reviewing these projects independently fails to account for their combined impact on evacuation capacity and emergency response along our shared, constrained corridors.
- **Need for Technical Transparency:** To date, the materials provided have been summary in nature and insufficient for professional technical review. We ask the City to produce the underlying fire mitigation and evacuation materials—including specific assumptions and inputs—to allow for an independent, professional evaluation of our corridor's actual evacuation capacity.
- **Service Demand and Response Times:** Per Cupertino's own Health and Safety Element, increased population density leads to traffic congestion that impacts Fire Department response times. In an "evacuation constrained" area like Linda Vista, these delays can be **fatal**.

We are not asking the Commission to debate the merits of housing in general. We are asking you to fulfill **your responsibility** to ensure a current, citywide fire mitigation and evacuation framework is in place and relied upon before any further density is approved in a very high-

risk zone. Once this project is approved and the developer exits, the permanent risk of infrastructure strain and evacuation failure stays with the residents and the City.

I ask that you take this communication with the gravity it deserves and **ensure a comprehensive, corridor-level evacuation analysis is completed and documented on the record**.

Respectfully,
James Choi
11093 Bel Aire Ct, Cupertino

From: David Yan
To: City Council
Cc: Public Comments
Subject: 10857 Linda Vista Drive, Applicant"s Evacuation Route Study Not in Record
Date: Monday, March 16, 2026 9:38:52 AM
Attachments: image.png

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.

Mayor Moore, Vice Mayor Chao, and Councilmembers:

The Council is being asked to approve a residential subdivision on Linda Vista Drive without seeing an evacuation study the Applicant itself prepared for this exact corridor.

A February 10, 2026 meeting agenda obtained through a public records request shows the Applicant presented an evacuation route study to City planning staff and the fire department. That study has never been entered into the record for this project.

SUMMERHILL HOMES℠
COMMUNITIES OF DISTINCTION

Agenda
10857 Linda Vista
Check In with Planning Department and Fire Department
February 10, 2026

Attendees:
City – Emi Sugiyama, Piu Ghosh, Luke Connolly
SummerHill – Kevin Ebrahimi, Steve Bull, Austin Lin
Fire Department – Matthew McKenna

Discussion Topics:

1. Fire Department Coordination
    a. Neighbor concerns regarding evacuation routes
    b. Evacuation route study prepared by SummerHill
2. Planning Department Items
    a. No net loss findings
    b. Deemed consistent letter from the City
    c. Draft Conditions of Approval

The Applicant has taken the position that because the City has not adopted an evacuation plan, evacuation cannot be considered in the approval of this project. The Council cannot allow this line of reasoning to continue during the upcoming March 17th Council meeting. **The absence of a plan is not a license to ignore a safety question.** The absence of an adopted evacuation plan does not eliminate the City's obligation under the Subdivision Map Act to make an affirmative public health and safety finding. The City still has to affirmatively find that this project will not cause serious public health problems. That finding must be supported by evidence.

The Applicant commissioned its own evacuation route study for this site, presented it to the City and the fire department, and did not produce it into the record. The Council is being asked to make a health and safety determination about evacuation on this corridor without seeing a study the applicant prepared specifically about evacuation on this corridor. If the Applicant genuinely believed evacuation was legally irrelevant to this project, there would have been no reason to commission an evacuation study for this site in the first place.

The physical constraint is fixed regardless. Every route out of Linda Vista Drive resolves to one of two exits: Bubb Road to the south and east, McClellan Road to the north and west. There is no third option. A wildfire evacuation is not a routing exercise. It is a road capacity question. And capacity is fixed by the roads that exist.

The City commissioned the Fehr and Peers study and it found both exits to Linda Vista Drive, McClellan Rd (West) and Bubb Rd operate at **over 200% of capacity under evacuation conditions.** The fact that the study was commissioned for the Health & Safety Element does not change those findings. Bubb Road and McClellan Road are over capacity. That is true regardless of which process the study was commissioned for. The roads are what they are. The findings have been in the City's records since October 2025, as per the cover page of the Fehr and Peers study.

The **City cannot rely on a "separate timeline" for the Health and Safety Element to defer its immediate legal obligations**. Administrative processes do not change physical constraints: the roads are the same roads.

This is not a question of whether cities can build housing on constrained corridors. It is a question of whether this specific corridor, in a reclassified Very High Fire Hazard Severity Zone, with two documented failing exits, can safely evacuate the residents already here. The City's own consultant said it cannot. Adding density to a failing corridor in a fire hazard zone is not a housing policy question. It is a public safety question. And the law requires an affirmative answer before approval, not silence.

Under Government Code Section 66474(f) of the Subdivision Map Act, the Council may deny a subdivision if substantial evidence shows the project would cause serious public health problems. **A health and safety finding unsupported by evidence is not defensible.** The findings do not expire because they were commissioned for a different purpose. The roads are the same roads.

A Council that approves this project while its own records contain documented evidence of evacuation failure does not insulate itself from that evidence by declining to consider it. The obligation to make an affirmative public health and safety finding runs to the

actual conditions that exist on this corridor. Approval without evidence of safety violates the Subdivision Map Act.

Respectfully submitted,

David Yan

Linda Vista Neighborhood Resident

From: Rhoda Fry
To: Public Comments
Cc: City Council
Subject: City Council Meeting 3/17/2026 #12 51-unit townhome condominium - VOTE NO
Date: Monday, March 16, 2026 9:28:01 AM

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.

RE: City Council Agenda #12 3/17/2026 51-unit townhome condominium development on Housing Element Priority Housing Sites 25 through 28

Dear City Council,
You are being asked to vote on 4 items. You have a choice as to whether you vote YES or NO. That is why you are being asked to vote, otherwise, these decisions would be made ministerially. Furthermore, you should not rely on the Planning Commission vote because the information available at that meeting and the items voted on were different (staff assumed the project was exempt from CEQA and the October 2025 evacuation route was hidden). There are a number of concerns that I have about the proposed project and I hope you will read through my comments.

Sincerely, Rhoda Fry (recipient CREST Public Safety Award)

Decision #1 – PROJECT DOES NOT MEET CEQA - Here are TWO tests for CEQA exemption under AB130

Decision #1, Test #1 – Project cannot be in a delineated fault zone. It is. CEQA is required.
AB130 Memo (Attachment E) page 12 misleads the reader into believing that the nearest delineated earthquake zone is the San Andreas Fault (footnote 10). This is false. The Monte Vista fault, capable of a 7.1 earthquake, is within about 400 feet of the proposed project. See notes with links and map below. **CEQA IS REQUIRED.**

Decision #1, Test #2 – Project cannot be in a very high fire hazard severity zone (VHFHSZ). It is. CEQA is required.
Cities I looked at in California do NOT have a fire department sign-off loophole in for AB130. Why is Cupertino less safe than other California cities (see notes below)? Even the company that prepared the AB130 memo for Cupertino, David J. Powers, stated at the Planning Commissioner Academy last week that **VHFHSZ REQUIRES CEQA**.
Furthermore, justifications provided by the fire department are not sufficiently detailed and were derived using false assumptions.

a. **The fire department assumed that this is a builder remedy project, it is not.**
b. **The fire department was led to believe items that are materially false**: that 51 homes must be built and the only way to build them was to reduce the required 30-foot setback. This is not true. These homes, that Summerhill calls “products,” have 4 bedrooms and are very large, about 2700 sq ft. Smaller homes could be built on this site and maintain the 30-foot safety zone.

c. The fire department conflated PRC 4290 (infrastructure standards) and PRC 4291 (defensible space). **All applicable PRCs must be considered individually**.
d. **PRC (4290) can apply to evacuation beyond the footprint of a new project but it is not being considered**. It was revealed after the Planning Commission vote on this project that the evacuation routes from this project are severely impacted by 2 to 4X (which the City has had since October 25 but did not share with the Planning Commission until March 9, 2026). Note that in a fire, there is essentially only one way out. https://cupertino.legistar.com/LegislationDetail.aspx?ID=7939626&GUID=7AC99155-0A72-4867-A7E1-3E6AC39E8B2A&Options=&Search=#docaccess-468609363b52235d20d0e89542b30f387454cb4e4e12e1673654e018c0eddbc6

   Furthermore, **Summerhill conducted its own evacuation study** and discussed it with City staff on February 10, 2026, but did not share it with the Planning Commission, the City Council, or the staff. See notes below. **Why is Summerhill hiding their evacuation study?**
e. **A 10-foot setback with mitigations is NOT a safety-equivalent to the required 30-foot setback.**

Decision #2 – RESOLUTION No. 26-029 (ATTACHMENT A) VOTE NO

- The resolution requires yes on #1. **Since #1 is no, you must Vote No.**
- Design does not allow for ladders on property lines with 10-ft setback. Project must be rejected today because it is inaccurate. **Vote No.**
- **Fails Item (f)** "The proposed subdivision design and improvements will not cause serious public health." **The City Council MAY reject a project if there is substantial evidence that the project can post a health and safety issue. There is (details below) Vote No.**

  a) Makes a known evacuation deficiency worse.

  b) Just beyond the rear property line are PG&E wires among the trees. This is really scary and having even more homes nearby adds to the dangerous.

  c) Homes in the area have inadequate water pressure and must use a pump for adequate pressure. Adequate household pressure is needed for fire sprinklers. If the power goes out, residents would have even less pressure to house down their homes in the event of fire. Adding the load of people occupying 200 bedrooms (51 units x 4) to insufficient system will harm the residents who live uphill from the project. Note that fire hydrants run separately. Household water pressure is the first defense against fires.

  d) Decks within the 30-foot setback create a hazard – even with added fire sprinklers. There is nothing to prevent residents from putting flammable materials on their decks and this could put them, their neighbors, and off-site neighbors at risk.

OTHER

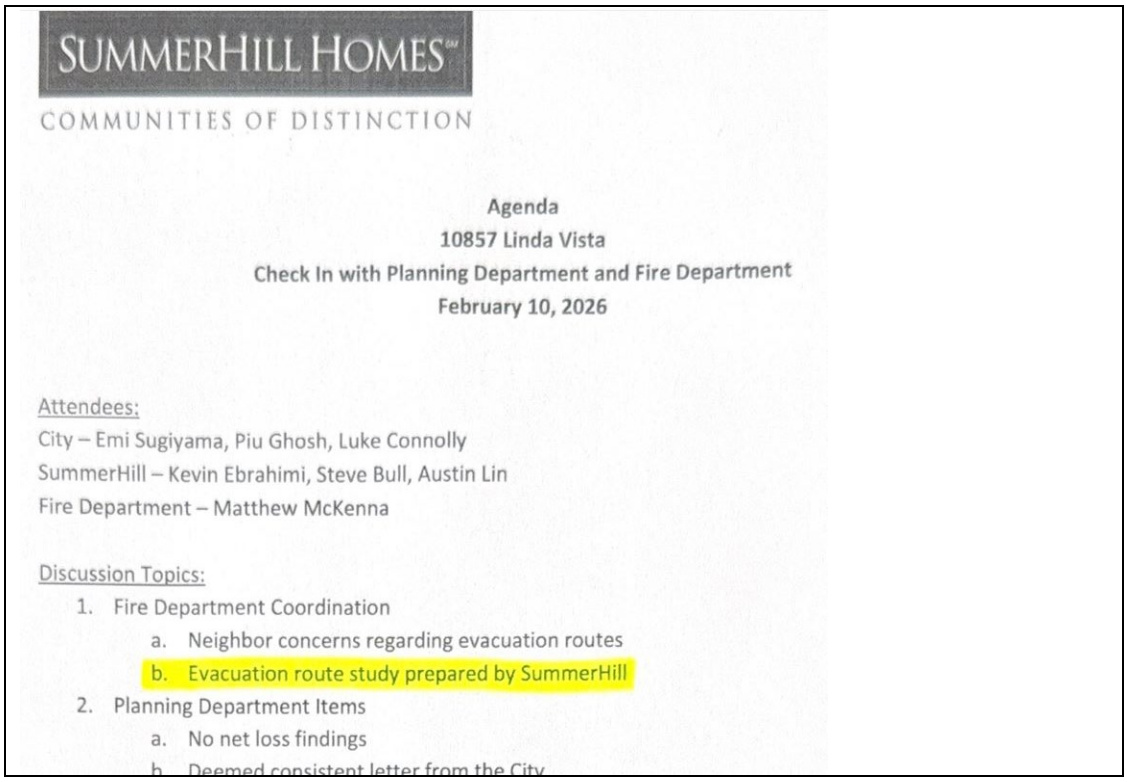
1. Discussion about waiving park fees for trail access should be discussed as a separate resolution.DO NOT WAIVE PARK FEES.
2. Consider capturing sales-tax with requiring Cupertino LLC for this project as a Condition of Approval (COA).
3. Summerhill has undermined its credibility – the wrong box was checked on the AB130 memo pertaining to hazards, it has withheld information it has about evacuation, it bullied the Planning Commission, saying that the project was exempt from evacuation requirements because the City didn't have any yet. Does Summerhill want to destroy its reputation?

HOW WOULD YOU FEEL IF PEOPLE DIED FROM NOT BEING ABLE TO EVACUATE THEIR NEIGHBORHOOD IF YOU VOTED FOR THIS PROJECT AS IS?

*** NOTES ***
First some easy stuff:

1. **Capture Sales-tax**: If this project is to move forward, please add a Condition of Approval (COA) to have the business location for material purchases to be at the project site. This might require the creation of a subsidiary LLC. This will allow the City to capture sales tax as I understand it. Please ask staff to look into this. Apple did similar.
2. **Split out Trail Connection into a separate item**: You are being asked to waive $377K in park fees for a connection to the Linda Vista Trail. This would be an amenity for the residents of the project. Our public money should not be used for this trail connection. But there's more. I don't see anything in the report that states that there would be an easement for all Cupertino residents to traverse the private property of the complex in order to access the trail connection. It seems to me that an HOA (Home Owner's Association) could later close the public access to the trail if they had any complaints about it. And in that case, the taxpayers would have wasted $377K of park fees. If Summerhill wishes to create this amenity for their residents, so be it, but not at a cost to the public. Public Access for a future trail connection is not guaranteed per #5 of first resolution. **VOTE NO ON RESOLUTION No. 26-029 (ATTACHMENT A) or modify.**
3. **Decks within 30ft of property line should be removed**: Decks that are within 30 feet of the property line are to be outfitted with fire-sprinklers. But there is nothing to prevent residents from putting fuel for fire on those balconies like rattan furniture, last year's dry plants, cotton laundry etc… This poses a public safety hazard on Item F of the first resolution. **VOTE NO ON RESOLUTION No. 26-029 (ATTACHMENT A).**
4. **The Planning Commission** voting items were different. Now you are being asked whether you believe the project is exempt from CEQA – the Planning Commission meeting ASSUMED IT WAS, which limited the commission's choices. This is wrong.
5. **The Planning Commission was given incomplete data:** Why is it that more data is being made available to City Council than was made to the Planning Commission? Most

importantly, current **evacuation routes show severe overcapacity** was not revealed to the Planning Commission until AFTER the vote. Furthermore, Summerhill assured residents no trouble found AND had knowledge of the evacuation issue - - - as did our own staff per their meeting on February 10, 2026. **Why isn't Summerhill sharing their evacuation study with the public?** See below:



SUMMERHILL HOMES

COMMUNITIES OF DISTINCTION

Agenda
10857 Linda Vista
Check In with Planning Department and Fire Department
February 10, 2026

Attendees:
City – Emi Sugiyama, Piu Ghosh, Luke Connolly
SummerHill – Kevin Ebrahimi, Steve Bull, Austin Lin
Fire Department – Matthew McKenna

Discussion Topics:
1. Fire Department Coordination
   a. Neighbor concerns regarding evacuation routes
   b. Evacuation route study prepared by SummerHill
2. Planning Department Items
   a. No net loss findings
   b. Deemed consistent letter from the City

Project does not meet AB130 criteria – it requires CEQA. VOTE NO ON #1 CEQA EXEMPTION AND RESOLUTION No. 26-029 (ATTACHMENT A).

1. **THE WRONG BOX WAS CHECKED for High FIRE HAZARD on the AB130 form.** The form now says that the project is NOT in a very high fire zone, when in fact it is. Whether it is potentially mitigated is immaterial. The wrong box was checked. **Vote NO on first resolution**.

Other municipalities say that VERY HIGH FIRE HAZARD SEVERITY ZONEs cannot use AB130. I have written before. A number of other City forms, do not allow a fire department waiver. In fact, the company that filled out the form for this application, stated at the Planning Conference last week said that very high fire hazard severity zone is a hard NO. **Vote NO on first resolution**.

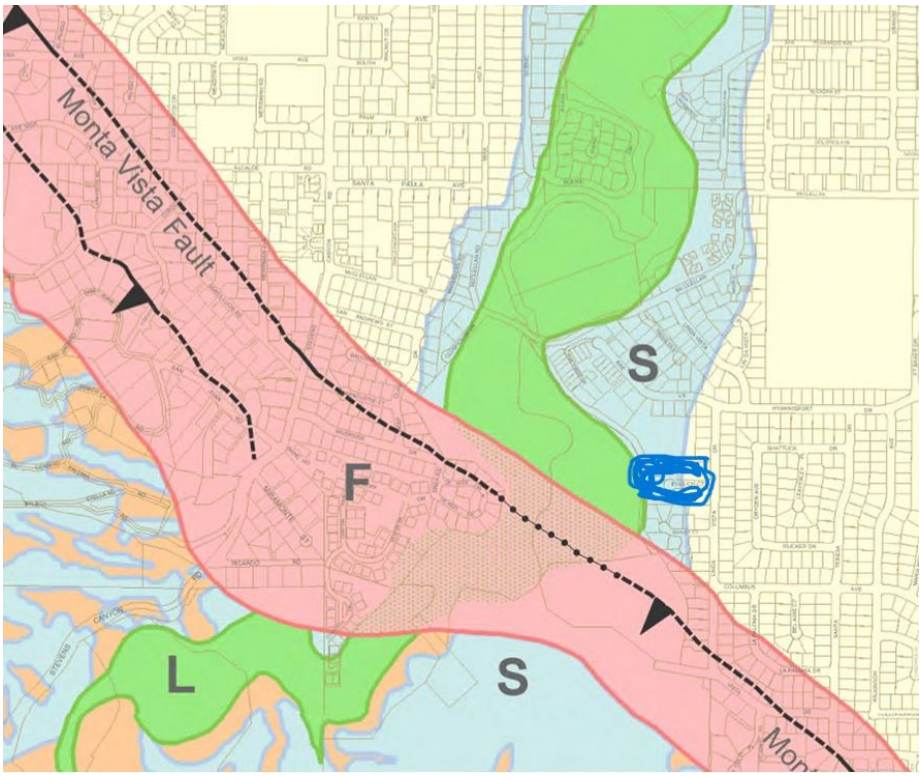
- Los Angeles: https://planning.lacity.gov/project-review/shra-senate-bill-684-1123
- City of Santa Clara:

https://www.santaclaraca.gov/home/showpublisheddocument/88826

- Saratoga: https://www.saratoga.ca.us/DocumentCenter/View/6237/AB-130-checklist-1-27-26-web?bidId=
- San Francisco: https://sfplanning.org/sites/default/files/forms/AB130_InfillExemption_SupplementalApplication.pdf
- South San Francisco: https://www.ssfca.gov/files/assets/public/v/2/economic-amp-community-development/documents/planning/ab-130-eligibility-requirements-form.pdf
- Even the Association of Builders and Contractors agree that VHFHSZ does not quality. https://abcsocal.org/california-ab-130/

2. **THE PROJECT IS IN AN EARTHQUAKE HAZARD ZONE - on the AB130 memo, the wrong box was checked. Attachment E Page 12. "**The project is not located on a site that is any of the following…"
   The memo justifies that the project is not in an earthquake hazard zone with footnote #10 being that it is really far away from the San Andreas fault. But in fact, it is VERY CLOSE (about 400 feet) TO A FAULT CAPABLE OF A 7.1 EARTHQUAKE!!! This is the Monte Vista fault that is a thrust fault which is by far more dangerous than a regular fault. Furthermore, it is within a DESIGNATED ZONE of earthquake-induced slope instability. Whether the developer has considered mitigation here is not material. **THIS PROJECT FLUNKS THE AB130 TEST.**
   See: https://grokipedia.com/page/monta_vista_fault

See: https://www.cottonshires.com/wp-content/uploads/2013/06/CupertinoHazMap_small.pdf
Project are is colored blue in the snip below:



3. **Fire Department made inaccurate assumptions when the developer tried to use a loophole that is rejected by most California cities I could find.** When evaluating the project, per PRAs, a) the fire department assumed that this is a BUILDER REMEDY project. It is not. b) the fire department assumed that the project was already in the building department. It was not. c) the fire department was led to believe that the developer MUST build 51 units and the only way to do it is to reduce the normally-required 30-foot fire setback. This is false. The developer could still build 51 units and maintain a 30-foot setback – they just would not be huge 4 bedroom luxury homes.
4. **Fire Department's reduction of 30 feet defensible space to 10 feet does NOT MAKE THE PROJECT EQUALLY SAFE.** There are TWO RULES to consider – 4290 and 4291– these must not be conflated.

Other Public Safety Issues Related to First Resolution

1. **Design does not allow for ladders on property lines with 10-ft setback. Project must be rejected today because it is inaccurate. You cannot vote yes on the first resolution. VOTE NO ON FIRST RESOLUTION No. 26-029 (ATTACHMENT A)..**
2. **Fails Item (f) on first resolution: The proposed subdivision design and improvements will not cause serious public health.** There are homes on Linda Vista that need pumps to get adequate water pressure that would be used for home use and fire sprinklers. Furthermore, what happens if the power goes out? Adding more homes to a compromised water-pressure system is a **cumulative impact** that MUST BE ADDRESSED BY CEQA. **VOTE NO ON FIRST RESOLUTION No. 26-029**

(ATTACHMENT A)..

3. **I just don't understand how anyone can pretend that the public safety problems do not exist** because Cupertino's evacuation plan came late.
4. **First Resolution States: The City Council MAY reject a project if there is substantial evidence that the project can post a health and safety issue. There is - - - VOTE NO ON FIRST RESOLUTION No. 26-029 (ATTACHMENT A).**
5. **Bad Reputation for Summerhill – Summerhill has had a stellar reputation in the Bay Area. But now we know that Summerhill is endeavoring to build a development in:**
   1. VERY HIGH FIRE HAZARD SEVERITY ZONE,
   2. NEXT TO AN EARTHQUAKE FAULT
   3. WHERE EVACUATION ROUTES ARE OVER CAPACITY BY 2X to 4X (and realistically, there is only one way out if there is a fire).

From:	TSY Chuang
To:	Public Comments; Kitty Moore; Liang Chao; Tina Kapoor
Subject:	Request to Reschedule Evulich Court/Summerhill Project Agenda Item on March 17 to a later date
Date:	Monday, March 16, 2026 12:28:25 AM

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

Dear City Manager, Mayor, and Vice-Mayor,

I am writing to respectfully request that the Evulich Court/Summerhill project be rescheduled from the upcoming City Council meeting on March 17th. It is my understanding that Council Member Wang will be unable to attend this meeting.

I believe it is important that action items—particularly those involving public hearings—be considered only when all Council members are able to participate, especially when a member's absence is known in advance. Residents elect their representatives with the expectation that their voices will be heard through a fully present Council, and scheduling should reflect that principle when feasible.

Additionally, I've learned that Council Member Mohan resides within 1,000 feet of the proposed project site, which may require her recusal due to the potential impact on her property value. As a result, with only three Council members who would be eligible to deliberate and vote on this matter, it seems prudent to defer a public hearing when such limited participation may occur.

I also recall that on at least one prior occasion, a Council meeting was rescheduled by Mayor Wei and/or the City Manager on relatively short notice. With this precedent in mind, I respectfully ask that the public hearing—and, if possible, the related action items—be postponed to a date when Council member Wang participation is possible.

Thank you for your time and consideration of this request.

Sincerely,

Tania

From: Saba Sathya
To: Public Comments
Cc: City Council
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No
Date: Sunday, March 15, 2026 7:40:33 PM

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 City Council,

I am concerned about the new housing development as I live in the next street Baxley Court. Please consider fire safety and evacuation measures to deny the high density housing project to proceed.

I request the City Council to consider the following:

1. Fire Safety of the Residents is a City Responsibility. Because lawyers are using various loop-holes to make unsafe developments, does not abdicate the city from it.

2. And the residents will actively support the city and the city council when it comes to defending the city against any legal threats by Big Real Estate because the city is standing up to its responsibility to keep us safe.

Thanks in advance.

Regards

Saba Sathya
22023 Baxley Court
Cupertino, CA 95014

From: Unique Family
To: Public Comments
Cc: City Council
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No
Date: Sunday, March 15, 2026 7:38:39 PM

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 City Council,

I am concerned about the new housing development as I live in the next street Baxley Court. Please consider fire safety and evacuation measures to deny the high density housing project to proceed.

I request the City Council to consider the following:

1. Fire Safety of the Residents is a City Responsibility. Because lawyers are using various loop-holes to make unsafe developments, does not abdicate the city from it.

2. And the residents will actively support the city and the city council when it comes to defending the city against any legal threats by Big Real Estate because the city is standing up to its responsibility to keep us safe.

Thanks in advance.

Regards
Selvi Sathya
22023 Baxley Court
Cupertino, CA 95014

From: Meichu H
To: City Council; Kitty Moore
Cc: Public Comments
Subject: City Council 3/17 Agenda #12 Evulich Ct Emergency Safety Concerns, Please Vote No
Date: Saturday, March 14, 2026 11:08:56 PM

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: Cupertino City Mayor and Council
FROM: Residents of Cupertino
Date: March 14, 2026
Sub: City Council 3/17 Agenda #12 Evulich Ct Emergency Safety Concerns, Please Vote No

Dear Mayor and City Council,

I am writing to express urgent concerns regarding the proposed 51-unit townhome project at 10857 Linda Vista Drive. The current approval process contains a critical safety flaw: the City has concluded that "no evacuation study has been required or reviewed" simply because it lacks its own "adopted objective standards" for evacuation. This administrative loophole ignores the site's June 2025 designation as a Very High Fire Hazard Severity Zone (FHSZ).

The project's safety analysis relies almost entirely on building construction standards, such as fire-resistant materials and modified sprinklers. While these may improve structure survivability, they do nothing to address neighborhood-wide evacuation capacity. The Transportation Study focuses on fire truck access via a "hammerhead turnaround" but fails to analyze how 100+ additional resident vehicles will safely exit onto Linda Vista Drive during a wildfire emergency.

Furthermore, the City is allowing the developer to defer the Final Fire Protection Plan (CFC 4903) until the building permit stage. This prevents the Council from evaluating critical wildfire risk mitigations before density and site plans are finalized. This is particularly concerning given that the project already received an exception to PRC 4290, allowing for non-conforming setbacks in this high-risk area.

Under Government Code Section 65913.4(a)(6), projects in a Very High FHSZ must adopt specific fire hazard mitigations to qualify for CEQA exemptions. Relying on construction materials while refusing to study evacuation flow is a failure of public safety. I urge the Council to mandate a formal Wildfire Evacuation Capacity Study as a condition of approval.

Respectfully,

Meichu Huang

From:	mwfantozzi@tfanco.com
To:	City Clerk
Cc:	City Council; City Attorney"s Office
Subject:	Written Communications-SummerHill, LLC 10857, 10867, 10877, and 10887 Linda Vista Drive Townhomes
Date:	Friday, March 13, 2026 3:22:15 PM
Attachments:	Summary Statements of Deficiencies.zip Staff Report Deficiencies.zip Financial Disclosure & Negligence.zip Fire Code_PRC4290_Fire Flow Deficiencies.zip Technical Report Errors & Omissions.zip

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

Dear City Clerk, Honorable Mayor, Councilmembers, and City Attorney,

Please accept the attached materials as **written communication** regarding:

Project: SummerHill - Evulich Ct. Townhomes;

Application Number: TM-2024-009, ASA-2024-015, TR-2024-044;

Agenda Item: 12;

scheduled for consideration on **March 17, 2026.**

This submission includes:

- **Zip Folder: Summary Statements of Deficiencies (3 files)**
- **Zip Folder: Financial Disclosure & Negligence (2 files)**
- **Zip Folder: Staff Report Deficiencies (3 files)**
- **Zip Folder: Fire Code_PRC4290_Fire Flow Deficiencies (3 files)**
- **Zip Folder: Technical Report Errors & Omissions (3 files)**

These materials are provided to ensure the administrative record accurately reflects the project's non-compliance with State Fire Safety Standards, disregard for public safety, concerns over development in VHFHS without adequate safety planning, illegal CEQA exemptions and compliance issues, procedural errors and the absence of financial disclosure when the City is granting exemptions to the General Plan, fire standards, and public safety. Decision regarding this matter need to be based on complete and accurate information.

I respectfully request that these documents be:

1. **Posted to the public agenda packet** as written communication, and
2. **Distributed to the full City Council** for their review.

Please confirm receipt and posting at your earliest convenience.

Thank you for your attention and for ensuring these materials are included in the public record.

Sincerely,

Mark W. Fantozzi, PE
Cupertino
mwfantozzi@tfanco.com

Policy-Focused Review Regarding TM-2024-009

Project: TM-2024-009 (Linda Vista Townhomes)

Location: 10857–10887 Linda Vista Drive, Cupertino, CA

Prepared for: Cupertino City Council

Prepared by: Mark W. Fantozzi, PE

1. Executive Summary

This submission raises significant concerns regarding the City of Cupertino's consideration of exceptions to fire codes, California Environmental Quality Act (CEQA) requirements, and General Plan safety policies for the proposed TM-2024-009 development project located at 10857–10886 Linda Vista Drive. The project site lies within a designated Very High Fire Hazard Severity Zone (VHFHSZ), which necessitates strict adherence to fire-safety standards and environmental review protocols. Granting exceptions in such a high-risk area may constitute a policy deviation with serious public safety and legal implications.

The Santa Clara County Fire Department (SCCFD) granted a PRC 4290 exception for this project. However, SCCFD's approval is conditional and not final. Importantly, SCCFD requires the submission of a Final Fire Protection Plan at the building-permit stage, indicating that the fire-safety review process remains incomplete.

2. Background

The TM-2024-009 project encompasses parcels located at 10857, 10867, 10877, and 10886 Linda Vista Drive in Cupertino, California. These parcels are situated within a Very High Fire Hazard Severity Zone (VHFHSZ), as designated by Cal Fire. The regulatory framework governing this area includes the California Fire Code (CFC), which mandates fire-flow requirements and emergency access standards; the California Environmental Quality Act (CEQA), which requires comprehensive hazard analysis for projects in high-risk areas; and the City of Cupertino's General Plan Safety Element, which prioritizes public safety and hazard mitigation in land-use planning.

According to SCCFD's plan-review comments dated January 27, 2026, the project received a PRC 4290 exception due to non-conforming setbacks, which are to be mitigated through increased fire separation and modified sprinkler systems. SCCFD's approval is conditional, pending the submission of a Final Fire Protection Plan. The fire-flow requirement for the project is 1,375 gallons per minute (GPM) at 20 psi residual pressure, based on the inclusion of automatic fire sprinklers.

3. Policy Concerns

Granting exceptions to established fire codes, CEQA requirements, or General Plan safety policies in a VHFHSZ constitutes a significant policy deviation. Such actions may undermine the integrity of the City's regulatory framework and set a precedent for future developments in similarly hazardous areas. Key safety analyses—such as fire-flow testing, hydraulic modeling, evacuation planning, and water-supply adequacy assessments—are essential to ensure that new developments do not compromise public safety or overburden existing infrastructure.

Specifically, the PRC 4290 exception granted by SCCFD in this case represents a discretionary deviation from standard fire-safety setbacks. Such exceptions in VHFHSZ areas require substantial evidence to demonstrate that equivalent safety is maintained. Furthermore, SCCFD's conditional approval does not satisfy CEQA's requirement for a complete hazard analysis or the General Plan's mandate for verified public safety.

4. Public Safety Implications

Developing in a Very High Fire Hazard Severity Zone introduces elevated risks of wildfire exposure, evacuation challenges, and strain on emergency response systems. The California Fire Code and related state regulations require strict compliance with fire-safety standards, particularly in VHFHSZ areas. Any deviation from these standards must be supported by substantial evidence demonstrating that public safety will not be compromised. Failure to adhere to these requirements could expose the City to legal liability and endanger residents and first responders.

SCCFD identified non-conforming setbacks that require mitigation through increased fire separation and modified sprinkler systems. Additionally, SCCFD requires the development of a Final Fire Protection Plan to address wildfire mitigation, defensible space, and emergency access. These unresolved issues heighten the wildfire risk and underscore the need for comprehensive safety planning.

5. CEQA-Exempt Implications

If the City determines that the TM-2024-009 project is exempt from CEQA, the exemption does not eliminate the City's obligation to ensure compliance with fire-safety standards, PRC 4290, or the General Plan Safety Element. CEQA exemption affects only procedural environmental review; it does not waive substantive safety requirements.

A CEQA exemption elevates the importance of SCCFD's findings because the PRC 4290 exception remains a discretionary act requiring substantial evidence of equivalent fire safety. SCCFD's conditional approval—requiring a future Final Fire Protection Plan—confirms that the fire-safety review is incomplete. The City cannot rely on future mitigation to justify present approval, nor can it treat SCCFD's conditional approval as evidence of General Plan consistency.

General Plan consistency remains a mandatory finding regardless of CEQA status. A project located in a VHFHSZ with unresolved fire-safety deficiencies cannot be found consistent with the Safety Element. Therefore, even if CEQA does not apply, the City must still require complete

fire-flow documentation, evacuation analysis, and the Final Fire Protection Plan before granting approval.

6. Conclusion

Given the location of the TM-2024-009 project within a Very High Fire Hazard Severity Zone, it is imperative that the City of Cupertino uphold its commitment to public safety, transparency, and legal compliance. SCCFD's findings confirm that key fire-safety issues remain unresolved, including the need for a Final Fire Protection Plan and mitigation of non-conforming setbacks. These outstanding issues require full compliance with CEQA (if applicable) and the General Plan Safety Element before any project approvals are granted. We urge the City Council to ensure that all applicable safety standards and environmental review requirements are fully enforced, and that any proposed exceptions are subject to rigorous scrutiny and supported by substantial evidence.

7. Request for Council Action

We respectfully request that the Cupertino City Council:

1. Require full compliance with all applicable fire-safety standards, CEQA hazard analysis protocols, and General Plan safety policies.

2. Ensure that no exceptions, variances, or waivers are granted for the TM-2024-009 project without substantial evidence demonstrating compliance with state and local safety mandates.

3. Require the applicant to submit detailed fire-flow, hydraulic, and evacuation analyses, as well as financial information if exceptions are sought that may confer a financial benefit.

4. Require full disclosure and justification for the PRC 4290 exception granted by SCCFD, including the specific mitigation measures proposed and their effectiveness in addressing the identified fire-safety deficiencies.

Summary Compliance Memorandum

Re: TM-2024-009, TM-2024-009, 10857, 10867, 10877, 10886 Linda Vista Drive, Cupertino (Linda Vista Drive)

CEQA Exemption Rebuttal & General Plan Inconsistency Analysis

Prepared for: Cupertino City Council

Prepared by: Mark W. Fantozzi, PE

Date: March 10, 2026

VIA EMAIL

I. INTRODUCTION

This legal brief evaluates the TM-2024-009 project for compliance with the California Environmental Quality Act (CEQA) and the Cupertino General Plan Safety Element. The analysis demonstrates that:

1. **The project does not qualify for a CEQA exemption**, and
2. **The project is inconsistent with multiple mandatory General Plan policies**, independently barring approval.

The project is located in a **Very High Fire Hazard Severity Zone (VHFHSZ)**, requires a **discretionary PRC 4290 exception**, and lacks essential wildfire, evacuation, and water-supply analyses. These deficiencies preclude CEQA exemption and prevent the City from making the required General Plan consistency findings.

II. CEQA EXEMPTION REBUTTAL

A. CEQA Exemptions Are Prohibited in High Fire-Risk Areas

CEQA Guidelines §15300.2(b) bars categorical exemptions where "unusual circumstances" create a reasonable possibility of significant environmental impacts. The TM-2024-009 project presents multiple unusual circumstances:

- Location in a **VHFHSZ**
- Known evacuation bottlenecks along Linda Vista / Stevens Creek
- Non-conforming setbacks requiring PRC 4290 exceptions
- Incomplete fire-safety review (Final Fire Protection Plan pending)
- Water-supply reliability concerns under PSPS and peak-demand conditions

Any one of these conditions is sufficient to defeat a CEQA exemption. Together, they make exemption legally indefensible.

B. PRC 4290 Exception Is a Discretionary Approval That Triggers CEQA

The City cannot claim ministerial approval while simultaneously granting a **discretionary** PRC 4290 exception. Discretionary approvals require:

- Findings of equivalent fire safety
- Substantial evidence
- Evaluation of mitigation measures
- Consideration of alternatives

This is incompatible with CEQA exemption.

Case law is clear: **If any component of a project requires discretion, the entire project is discretionary for CEQA purposes.**

C. SCCFD's Conditional Approval Confirms CEQA Review Is Incomplete

SCCFD explicitly states:

- "Plans are APPROVED with conditions."
- "Provide a Final Fire Protection Plan at time of building permit submittal."

CEQA does not allow approval based on **future mitigation**. Environmental impacts must be analyzed **before** approval.

A CEQA exemption cannot be based on:

- Missing wildfire analysis
- Missing evacuation analysis
- Missing water-supply reliability analysis
- Missing Final Fire Protection Plan

The City cannot rely on SCCFD's conditional approval as a substitute for CEQA review.

D. Evacuation and Emergency Access Issues Require CEQA Analysis

CEQA Guidelines Appendix G requires analysis of:

- Impacts on evacuation routes
- Impacts on emergency response
- Wildfire-related infrastructure capacity

The Linda Vista corridor is a constrained evacuation route with limited egress. No evacuation analysis has been submitted.

This alone precludes CEQA exemption.

E. Water-Supply Reliability Requires CEQA Review

SCCFD accepted a hydraulic analysis only for **minimum fire-flow**, not:

- Peak-demand reliability
- PSPS conditions
- Multi-structure fire scenarios

These are CEQA-level issues requiring environmental review.

F. Conclusion: CEQA Exemption Is Legally Unsupportable

The TM-2024-009 project cannot be exempt from CEQA because:

- It is located in a VHFHSZ
- It requires discretionary PRC 4290 exceptions
- SCCFD's approval is conditional and incomplete
- Required wildfire, evacuation, and water-supply analyses are missing
- CEQA Guidelines §15300.2 prohibits exemptions under these conditions

The City must require full CEQA compliance before considering approval.

III. GENERAL PLAN INCONSISTENCY ANALYSIS

A. General Plan Consistency Is Mandatory Regardless of CEQA Status

Government Code §§65300.5 and 65860 require that all land-use decisions be consistent with the General Plan. This requirement applies **even if CEQA does not**.

A project cannot be approved if it conflicts with the General Plan.

B. Relevant Safety Element Policies

Policy S-1.1 — Reduce wildfire risk in VHFHSZ areas

The project lacks:

- A Final Fire Protection Plan
- Verified defensible-space compliance
- Demonstrated water-supply reliability

Policy S-1.3 — Ensure adequate emergency access and evacuation capacity

The Linda Vista corridor is a constrained evacuation route. No evacuation analysis has been submitted.

Policy S-2.2 — Ensure adequate fire-flow and water-supply infrastructure

SCCFD's acceptance of minimum fire-flow does not address:

- Peak-demand reliability
- PSPS conditions
- Multi-structure fire scenarios

Policy S-3.1 — Require development to mitigate known hazards

The project relies on **future** mitigation (Final Fire Protection Plan), violating this policy.

C. SCCFD's Conditional Approval Confirms Inconsistency

SCCFD identified:

- Non-conforming setbacks
- Required mitigation through modified sprinklers
- Requirement for a future Final Fire Protection Plan
- Requirement for Turnaround A

These unresolved issues demonstrate that the project does **not** currently meet fire-safety standards required by the General Plan.

D. PRC 4290 Exception Conflicts with General Plan Safety Policies

The PRC 4290 exception is a discretionary deviation from standard fire-safety requirements. To be consistent with the General Plan, the City must demonstrate:

- Equivalent fire safety
- Adequate mitigation
- Substantial evidence

No such evidence has been provided.

E. Evacuation Constraints Create Direct General Plan Conflicts

The Safety Element requires:

- Safe and reliable evacuation routes
- Adequate emergency-response access
- Infrastructure capacity to support wildfire evacuation

The Linda Vista corridor does not meet these standards, and no analysis has been provided to demonstrate otherwise.

F. Conclusion: The Project Is Inconsistent with the General Plan

The TM-2024-009 project is inconsistent with the Cupertino General Plan because:

- It lacks required wildfire-hazard mitigation
- It lacks evacuation and emergency-access analysis
- It relies on future mitigation rather than present compliance
- It requires discretionary PRC 4290 exceptions without substantial evidence
- SCCFD's conditional approval confirms unresolved safety deficiencies

Under Government Code §§65300.5 and 65860, the City **cannot approve** a project that conflicts with the General Plan.

IV. OVERALL CONCLUSION

The TM-2024-009 project:

- **Cannot be exempt from CEQA**, and
- **Cannot be found consistent with the General Plan**

These are **independent and sufficient grounds** for denial or for requiring full CEQA review and complete fire-safety documentation prior to any approval.

Technical Evidence Submission – TM-2024-009 (Linda Vista Dr

Project: TM-2024-009 (Linda Vista Townhomes)

Location: 10857–10887 Linda Vista Drive, Cupertino, CA

Prepared for: Cupertino City Council

Prepared by: Mark W. Fantozzi, PE

1. Technical Background

The TM-2024-009 project encompasses parcels located at 10857, 10867, 10877, and 10886 Linda Vista Drive in Cupertino, California. These parcels are situated within a designated Very High Fire Hazard Severity Zone (VHFHSZ), as identified by Cal Fire.

The applicable regulatory frameworks include:

- California Fire Code (CFC §507, Appendix B & C), which governs fire-flow and access requirements.
- California Environmental Quality Act (CEQA), which mandates wildfire and hazard analysis for projects in high-risk areas.
- Cupertino General Plan Safety Element, which prioritizes hazard mitigation and public safety.
- Santa Clara County Fire Department (SCCFD) Water Supply & Access Standards, which establish technical criteria for fire protection infrastructure.
- SCCFD has conditionally approved the project with exceptions to PRC 4290. These exceptions include non-conforming setbacks mitigated through increased fire separation distances and modified sprinkler systems. A Final Fire Protection Plan is required at the time of building-permit submittal to address wildfire risks, defensible space, and access roads.

2. Fire-Flow Requirements

- SCCFD has established a required fire-flow of 1,375 gallons per minute (GPM) at 20 psi residual pressure for this project, based on the inclusion of an automatic fire sprinkler system. This requirement is supported by a hydraulic analysis submitted by the developer. While this satisfies the minimum fire-flow requirement under the California Fire Code, it does not address broader CEQA obligations, including wildfire risk analysis and evacuation constraints.

3. Water-Supply Adequacy

- Although SCCFD accepted the developer's hydraulic analysis confirming minimum fire-flow availability, the analysis does not evaluate system reliability under peak demand, Public Safety Power Shutoff (PSPS) conditions, or concurrent multi-structure fire scenarios. Such limitations raise concerns about the adequacy of the water supply under real-world emergency conditions.

4. CEQA Hazard Analysis Requirements

- CEQA Guidelines Appendix G requires analysis of wildfire risk, including impacts on emergency response, evacuation routes, and infrastructure capacity. SCCFD's requirement for a future Final Fire Protection Plan confirms that the CEQA wildfire hazard analysis remains incomplete. The current application lacks an evacuation analysis, water-supply adequacy assessment, and evaluation of emergency-response capabilities.

5. Emergency Access & Evacuation Constraints

- Fire-apparatus access roads must meet minimum width and turning-radius standards under CFC Appendix D and SCCFD guidelines. The Linda Vista / Stevens Creek corridor presents known evacuation bottlenecks due to narrow roads and limited egress routes. SCCFD has identified non-conforming setbacks and required mitigation through modified sprinkler systems. Additionally, Turnaround A is required to meet fire-apparatus access standards.

6. CEQA-Exempt Implications

- If the City determines that the TM-2024-009 project is exempt from CEQA, the exemption does not eliminate the requirement to demonstrate adequate fire-flow, water-supply reliability, emergency access, or compliance with PRC 4290. CEQA exemption affects only procedural environmental review; it does not waive substantive fire-safety obligations.
- The PRC 4290 exception remains a discretionary approval requiring substantial evidence of equivalent fire safety. SCCFD's conditional approval—requiring a future Final Fire Protection Plan—confirms that the fire-safety review is incomplete. The City cannot rely on future mitigation to justify present approval, nor can it treat SCCFD's conditional approval as evidence of General Plan consistency.
- General Plan consistency remains a mandatory requirement regardless of CEQA status. A project located in a VHFHSZ with unresolved fire-safety deficiencies cannot be found consistent with the Safety Element. Therefore, even if CEQA does not apply, the City must still require complete fire-flow documentation, evacuation analysis, and the Final Fire Protection Plan before granting approval.

7. Summary of Technical Deficiencies

The TM-2024-009 application is missing the following required technical documentation:

- Justification for the PRC 4290 exception

- Final Fire Protection Plan
- CEQA-compliant wildfire hazard analysis
- Evacuation modeling and traffic analysis
- Water-supply adequacy and emergency-response capacity documentation

The fire-safety review remains incomplete pending submission and approval of the Final Fire Protection Plan.

8. Request for Council Action

We respectfully request that the Cupertino City Council:

- Require full compliance with the California Fire Code, CEQA (if applicable), and the Cupertino General Plan Safety Element.
- Ensure that no exceptions, variances, or waivers are granted for the TM-2024-009 project without substantial evidence demonstrating compliance with all applicable safety standards.
- Require the applicant to submit all missing technical studies, including the Final Fire Protection Plan, evacuation analysis, and water-supply adequacy documentation.

CEQA EXEMPTION MEMORANDUM

For :TM-2024-009, 10857, 10867, 10877, 10886 Linda Vista Drive, Cupertino

Prepared for: Cupertino City Council

Prepared by: Mark W. Fantozzi, PE

Date: March 10, 2026

VIA EMAIL

Re: TM-2024-009 (Linda Vista Drive) — Basis for Rejecting CEQA Exemption

1. Purpose of This Memorandum

This memorandum provides a detailed rebuttal to any assertion that the TM-2024-009 project is exempt from the California Environmental Quality Act (CEQA). The analysis demonstrates that the project does **not** qualify for a CEQA exemption due to its location in a Very High Fire Hazard Severity Zone (VHFHSZ), the presence of unresolved fire-safety deficiencies, and the discretionary nature of the PRC 4290 exception granted by the Santa Clara County Fire Department (SCCFD).

2. CEQA Exemptions Do Not Apply in High Fire-Risk Areas

CEQA Guidelines §15300.2(b) prohibits categorical exemptions where "unusual circumstances" create a reasonable possibility of significant environmental impacts. A project located in a **VHFHSZ**, with documented wildfire-risk constraints and evacuation limitations, meets this threshold.

Additionally:

- The project requires **discretionary fire-safety exceptions** (PRC 4290).
- The project lacks a complete wildfire hazard analysis.
- SCCFD has required a **future** Final Fire Protection Plan, confirming the hazard analysis is incomplete.

These factors independently and collectively bar CEQA exemption.

3. PRC 4290 Exception Is a Discretionary Approval

The City cannot claim ministerial approval while simultaneously granting a **discretionary** PRC 4290 exception. Discretionary approvals invalidate CEQA exemptions.

The PRC 4290 exception requires:

- Findings of equivalent fire safety

- Substantial evidence
- Evaluation of mitigation measures
- Documentation of justification

This is the opposite of ministerial action.

4. SCCFD's Conditional Approval Confirms CEQA Review Is Incomplete

SCCFD explicitly states:

- "Plans are APPROVED with conditions."
- "Provide a Final Fire Protection Plan at time of building permit submittal.

A CEQA exemption cannot be based on **future mitigation**. CEQA requires that environmental impacts be analyzed **before** project approval.

5. Evacuation and Emergency Access Issues Trigger CEQA Review

CEQA Guidelines Appendix G requires analysis of:

- Impacts on evacuation routes
- Impacts on emergency response
- Wildfire-related infrastructure capacity

The Linda Vista / Stevens Creek corridor is a known evacuation bottleneck. No evacuation analysis has been submitted.

This alone precludes CEQA exemption.

6. Water-Supply Reliability Requires CEQA Analysis

SCCFD accepted a hydraulic analysis only for **minimum fire-flow**, not:

- Peak-demand reliability
- PSPS (Public Safety Power Shutoff) conditions
- Multi-structure fire scenarios

These are CEQA-level issues requiring environmental review.

7. Conclusion

The TM-2024-009 project **cannot** be exempt from CEQA because:

- It is located in a VHFHSZ
- It requires discretionary PRC 4290 exceptions
- SCCFD's approval is conditional and incomplete
- Required wildfire, evacuation, and water-supply analyses are missing
- CEQA Guidelines §15300.2 prohibits exemptions under these conditions

The City must require full CEQA compliance before considering project approval.

General Plan Inconsistency Analysis

Project: TM-2024-009 (Linda Vista Townhomes)

Location: 10857–10887 Linda Vista Drive, Cupertino, CA

Prepared for: Cupertino City Council

Prepared by: Mark W. Fantozzi, PE

1. Purpose of This Document

This memorandum evaluates the TM-2024-009 project for consistency with the Cupertino General Plan Safety Element. The analysis concludes that the project is **inconsistent** with multiple mandatory safety policies due to unresolved wildfire, evacuation, and fire-flow deficiencies.

2. General Plan Consistency Is Required Regardless of CEQA Status

Even if the City asserts CEQA exemption, **General Plan consistency remains mandatory** under:

- Government Code §65300.5

- Government Code §65860
- California case law (e.g., *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors*)

A project cannot be approved if it conflicts with the General Plan.

3. Safety Element Policies Relevant to This Project

The following Safety Element policies are directly implicated:

Policy S-1.1 — Reduce wildfire risk in VHFHSZ areas

The project is located in a VHFHSZ and lacks:

- A Final Fire Protection Plan
- Verified defensible-space compliance
- Demonstrated water-supply reliability

Policy S-1.3 — Ensure adequate emergency access and evacuation capacity

The Linda Vista / Stevens Creek corridor is a constrained evacuation route. No evacuation analysis has been submitted.

Policy S-2.2 — Ensure adequate fire-flow and water-supply infrastructure

SCCFD's acceptance of minimum fire-flow does not address:

- Peak-demand reliability
- PSPS conditions
- Multi-structure fire scenarios

Policy S-3.1 — Require development to mitigate known hazards

The project relies on **future** mitigation (Final Fire Protection Plan), which violates this policy.

4. SCCFD's Conditional Approval Confirms Inconsistency

SCCFD's findings include:

- Non-conforming setbacks
- Required mitigation through modified sprinklers
- Requirement for a future Final Fire Protection Plan
- Requirement for Turnaround A

These unresolved issues demonstrate that the project does **not** currently meet fire-safety standards required by the General Plan.

5. PRC 4290 Exception Conflicts with General Plan Safety Policies

The PRC 4290 exception is a discretionary deviation from standard fire-safety requirements. To be consistent with the General Plan, the City must demonstrate:

- Equivalent fire safety
- Adequate mitigation
- Substantial evidence

No such evidence has been provided.

6. Evacuation Constraints Create Direct General Plan Conflicts

The Safety Element requires:

- Safe and reliable evacuation routes
- Adequate emergency-response access
- Infrastructure capacity to support wildfire evacuation

The Linda Vista corridor does not meet these standards, and no analysis has been provided to demonstrate otherwise.

7. Conclusion

The TM-2024-009 project is **inconsistent** with the Cupertino General Plan because:

- It lacks required wildfire-hazard mitigation
- It lacks evacuation and emergency-access analysis
- It relies on future mitigation rather than present compliance
- It requires discretionary PRC 4290 exceptions without substantial evidence
- SCCFD's conditional approval confirms unresolved safety deficiencies

Under Government Code §§65300.5 and 65860, the City **cannot approve** a project that conflicts with the General Plan.

General Plan Inconsistency Matrix

Project: TM-2024-009 (Linda Vista Townhomes)

Location: 10857–10887 Linda Vista Drive, Cupertino, CA

Prepared for: Cupertino City Council

Prepared by: Mark W. Fantozzi, PE

Issue: Failure to Comply with Mandatory General Plan Safety, Mobility, and Land Use Policies

I. SAFETY ELEMENT INCONSISTENCIES

General Plan Policy	City's Finding	Record Evidence	Inconsistency	Subdivision Map Act Consequence
HS-2.13 – Identify residential areas with fewer than two ingress/egress routes and ensure safe evacuation.	City asserts project is "consistent with the General Plan."	No evacuation analysis performed. Project located on a single-egress dead-end (Evulich Ct → Linda Vista).	City failed to identify or mitigate single-egress hazard.	§66474(a): Map inconsistent with General Plan → Map must be denied.
S-1.3 – Ensure adequate emergency access and evacuation capacity.	City claims fire access is adequate.	No evacuation modeling, no clearance time analysis, no cumulative load analysis.	Cannot ensure evacuation capacity without analysis.	§66474(g): Design likely to cause serious public safety problems.
S-2.3 – Evaluate development in VHFHSZ for evacuation constraints.	City states project complies with Fire Dept. conditions.	No evacuation evaluation despite VHFHSZ designation.	Mandatory evaluation not performed.	§66474(a): Required finding cannot be made.
S-2.4 – Maintain safe evacuation routes during wildfire events.	City claims roadway improvements improve safety.	Traffic-Evacuation analysis shows McClellan Rd V/C = 4.2 and Foothill Blvd V/C = 4.0 under evacuation — system failure.	Evacuation routes are not safe and will not function.	§66474(g): Map must be denied due to public safety risk.
HS-3.1 – Reduce wildfire risk through land-use decisions.	City claims project meets zoning.	High-density infill in a VHFHSZ without evacuation analysis increases wildfire risk.	Land-use decision increases, not reduces, wildfire risk.	§66474(c): Site not physically suitable.

II. MOBILITY ELEMENT INCONSISTENCIES

General Plan Policy	City's Finding	Record Evidence	Inconsistency	Subdivision Map Act Consequence
M-2.3.1 – Minimize conflicts with pedestrian and bicycle traffic on primary streets.	City claims project improves walkability.	Evacuation surge merges into school-zone pedestrian corridors (Hyannisport, Bubb).	Evacuation conflicts with school pedestrian routes.	§66474(g): Creates public safety hazard.
M-3.2 – Provide safe pedestrian connections to public amenities.	City claims sidewalks improve safety.	Sidewalks do not mitigate evacuation gridlock or fire-flow deficiencies.	Pedestrian improvements irrelevant to evacuation safety.	§66474(a): Findings unsupported by substantial evidence.
M-3.3 – Enhance crossings at physical barriers (creeks, highways).	City claims crosswalks meet policy.	Stevens Creek Trail access does not provide evacuation egress.	City misapplies policy; does not address evacuation.	§66474(a): Inconsistent with Mobility Element.

III. LAND USE ELEMENT INCONSISTENCIES

General Plan Policy	City's Finding	Record Evidence	Inconsistency	Subdivision Map Act Consequence
LU-11.1 – Ensure new development does not overburden infrastructure.	City claims infrastructure is adequate.	No fire-flow analysis in record; no evacuation capacity analysis.	Infrastructure (roads, fire-flow) not evaluated.	§66474(d): Site not suitable for proposed density.
LU-1.3 – Ensure development supports public safety.	City claims project meets zoning.	High-density development in VHFHSZ without evacuation analysis undermines public safety.	Project conflicts with core land-use safety principles.	§66474(g): Creates serious public safety problems.

Under Gov. Code §66474, if any required finding cannot be made, the City must deny the map.

Here, multiple findings cannot be made, and the record contains no substantial evidence supporting the City's conclusions.

V. CONCLUSION

This General Plan inconsistency matrix demonstrates that TM-2024-009:

- Fails to comply with mandatory Safety Element policies

- Fails to comply with Mobility and Land Use policies
- Fails to evaluate evacuation in a VHFHSZ
- Fails to ensure public safety
- Fails to meet the Subdivision Map Act's required findings

Therefore, the City Council must deny TM-2024-009 as a matter of law.

CLAIM 1: DENSITY "in order to fit the minimum required number of units within the site"

- SummerHill's proposed units average **2,369 livable SF** (excluding the 2-car garage) are significantly oversized relative to comparable, approved projects in the same market served by CUSD
- **Vida Sunnyvale Phase I** (Appendix A): **50 units on 2.76 acres** (vs. SummerHill's 51 units on 2.51 acres): nearly identical density
  - Avg livable area: **1,748 SF per unit: Evulich Ct is 36% larger** than Vida
  - Setbacks to single-family homes: **53–65 feet** (vs. SummerHill's ~10 ft)
  - Heights taper down 1 story from interior to rear: gradual transition to neighbors
  - Approved July 2021, **built and sold**: same South Bay market, conventional financing
- **Westport Cupertino** (Appendix B): **88 townhomes/rowhouses** at Stevens Creek & Mary, Cupertino
  - Avg livable area: **1,978 SF per unit: Evulich Ct is 20% larger** than Westport
  - Family-sized units with 2-car garages: proven marketable product
  - Approved by **Cupertino's own City Council** (Aug. 2020); same city, same market

CLAIM 2: EVULICH COURT RIGHT-OF-WAY "The site is constrained by an existing City right-of-way (Evulich Court)."

- SummerHill **must build internal access roads regardless**; the site plan includes five private streets for vehicle and fire apparatus access
- The new internal road can be **dedicated back to the City** in lieu of the existing Evulich Court right-of-way
- A required infrastructure element **cannot simultaneously be a "site constraint"** justifying reduced wildfire setbacks; this argument is circular (Appendix C)

REDUCING UNIT SIZE FROM MCMANSION TO COMPARABLE MAKES 30 FT SETBACKS FEASIBLE

- At Westport sizes (1,978 SF): total livable drops from 120,829 to 100,878 SF, freeing **~20,000 SF** of building mass
- At Vida sizes (1,748 SF): total livable drops to 89,148 SF, freeing **~31,700 SF** of building mass
- Either reduction substantially eases the physical conflict with the 30-foot PRC 4290 setback while **still delivering the 51 units required by the City's Housing Element**

CONCLUSION: NO SETBACK WAIVER IS NEEDED TO MEET HOUSING DENSITY

The setback waiver is not necessary to meet the housing density required by the City's Housing Element. The required 51 units can be delivered at right-sized livable areas, consistent with comparable projects already approved and built in the same market, while honoring the full 30-foot PRC 4290 setback mandated for Very High Fire Hazard Severity Zones. The only thing preventing compliance is SummerHill's choice to build oversized units, not any site constraint or density requirement.

Side-by-Side Comparison

	SummerHill (Proposed)	Vida Sunnyvale	Westport Cupertino
Location	Linda Vista Dr, Cupertino	E. Fremont Ave, Sunnyvale	Stevens Creek Blvd, Cupertino
Site Area	2.51 acres	2.76 acres	8.1 acres (mixed-use)
Townhome Units	51	50	88
Avg Livable SF (excl. garage)	**2,369**	**1,748**	**1,978**
Avg Garage SF (2-car)	485	458	571

Appendix A: Vida Sunnyvale Phase I, A Built Comparable

Project Overview

Vida Phase I (166–176 E. Fremont Avenue, Sunnyvale; File #21-0715) was approved by the Sunnyvale Planning Commission on July 12, 2021 and has been constructed and almost sold out. It is a 50-unit townhome development on 2.76 acres, a nearly identical site profile to SummerHill's proposed 51 units on 2.51 acres. Both projects target the same South Bay family-housing market served by Cupertino Union School District, an important factor in home pricing.

Setbacks and Height Transition to Single-Family Neighbors

Vida is bordered by single-family neighborhoods on two sides (east toward Bobolink Circle; south toward Avon Terrace/Berwick Way). The project provides setbacks of **53 to 65 feet** from these single-family homes: more than five times what SummerHill proposes on the south property line. Critically, these generous setbacks were achieved without any fire hazard zone requirement.

Building heights taper down one story from the site interior along the rear property line, providing a gradual transition toward the neighboring single-family homes. The residential buildings are set back approximately 74 to 84 feet from adjacent residential properties when measured to the building face (vs. property line). Additional buffers include a 6-foot masonry perimeter wall along the east and south property lines, fast-growing evergreen screening trees, restricted exhaust openings on walls facing residential neighbors, and peripheral lighting capped at 8-foot pole heights.

Setback Comparison

Boundary	Adjacent Use	SummerHill Proposed	Vida Actual

South / East (Rear)	Single-Family Homes	~10 ft (AMMR waiver)	53–65 ft
West (Side)	City Parcel / SF Home	~10 ft (AMMR waiver)	15–28 ft (PL-9 waiver)
North / Front	Street / Commercial	~10–30 ft (varies)	10–29 ft (PL-9 waiver)

*Vida used Density Bonus waivers (PL-9) only on the **front and commercial-facing side**; never on the sides adjacent to single-family homes. SummerHill, by contrast, seeks the setback reduction precisely on the sides where residents live.*

Site and Density Comparison

Site Metric	SummerHill Linda Vista	Vida Sunnyvale Phase I
Net Site Area	2.51 acres	2.76 acres
Total Units	51	50
Density	20.3 du/acre	18.1 du/acre
Stories	3	3–4 (tapered to 3 at rear)
Avg Livable SF (excl. garage)	2,369	1,748
Total Livable SF (excl. garage)	120,829	87,416
Avg Garage SF	485 (447–579)	458 (453–489)

Both projects have comparable acreage (2.51 vs. 2.76 acres), comparable unit counts (51 vs. 50), and comparable densities (20.3 vs. 18.1 du/acre). Both include 2-car garages for every unit (SummerHill's avg 485 SF vs. Vida's avg 458 SF). The garage deduction is roughly equal, making the livable area comparison apples-to-apples. The decisive difference is unit size: SummerHill averages 2,369 livable SF per unit versus Vida's 1,748, which is **36% larger**; a difference that directly drives the setback conflict.

Vida Unit Mix Detail

Unit Type	Qty	Net Interior SF	Open Space SF	Garage SF	Livable SF*
Unit 1	4	1,365	~114	489	~1,479
Unit 2	10	1,414	~114	462	~1,528
Units 3–4	8	1,430–1,520	~114	454–462	~1,544–1,634
Units 5–6	14	1,619–1,740	~114	453–454	~1,733–1,854
Units 7–8	14	1,901–2,037	~114	461–471	~2,015–2,151
Average / Total	**50**	**1,634 avg**	**~114 avg**	**458 avg**	**1,748 avg**

**Livable SF = Net Interior + Private Open Space (porches/decks), excluding garage. Both projects have comparable 2-car garages (~450–580 SF), so the garage deduction is roughly a wash.*

***Source:** Sunnyvale File #21-0715, Attachment 2 (Project Data Table), Attachment 7 (Project Plans, Sheet A01). Approved July 12, 2021.*

Appendix B: Westport Cupertino, Same Market, Smaller Units

Project Overview

Westport Cupertino (21267 Stevens Creek Boulevard at Mary Avenue) is a mixed-use development approved by the Cupertino City Council on August 18, 2020. The project includes 88 townhomes and rowhouses designed by C2K Architecture for KT Urban, along with senior housing and retail.

Westport matters for this analysis because it is in Cupertino itself: **the same city, the same real estate market, and the same municipal approval process** as SummerHill's proposed project. If family-sized townhomes averaging under 2,000 SF are marketable, financeable, and approvable on Stevens Creek Boulevard, the same is true on Linda Vista Drive.

Unit Data

Component	Units	Total Residential SF	Avg Livable SF*	Avg Garage SF
Townhomes (13 bldgs)	70	139,860	1,998	564
Rowhouses (3 bldgs)	18	34,250	1,903	602
Combined	**88**	**174,110**	**1,978**	**571**

**Livable SF = Total residential area excluding garage/parking. Westport figures from SF YIMBY / planning records: 179,310 SF total built area for townhomes (139,860 residential + 39,450 parking); 45,090 SF for rowhouses (34,250 residential + 10,840 parking).*

All 88 units include 2-car garages. The townhomes average 1,998 livable SF; the rowhouses average 1,903 livable SF. SummerHill's proposed average of 2,369 livable SF is **20% larger** than Westport's combined average of 1,978 livable SF. Notably, Westport was approved without density bonus setback waivers on residential-adjacent boundaries, and without any AMMR for fire hazard setback reduction.

What This Means for SummerHill's Claim

If SummerHill sized its 51 units to the Westport average (1,978 SF livable, excluding garage), the total livable area would drop from 120,829 SF to approximately 100,878 SF: a reduction of 19,951 SF of building mass. Adding garages (~485 SF each), total gross

would be approximately 125,613 SF versus the current 145,544 SF. This 20,000 SF reduction in building envelope, distributed across 10 buildings, would substantially narrow building footprints along the south and east boundaries and move significantly toward compliance with the 30-foot PRC 4290 setback.

Even a modest reduction to ~2,100 SF livable per unit (still larger than Westport) would free approximately 13,700 SF of building mass, enough to meaningfully increase setback distances from the current ~10 feet toward the mandated 30 feet on the sides adjacent to single-family homes.

Appendix C: The Evulich Court Right-of-Way Is Not a Valid Justification

In the AMMR application submitted to the Santa Clara County Fire Department, SummerHill's representative Steven Bull states:

"The site is constrained by an existing City right-of-way within the approximate center of the site (Evulich Court). The width of Evulich Court reduces the size of the development area for the project. The size and quantity of the proposed townhomes necessitate a reduction of the 30-foot setback requirement in order to fit the minimum required number of units within the site."

This argument does not withstand scrutiny for a straightforward reason: SummerHill must build internal access roads regardless. The proposed site plan includes five private streets (A Street through E Street), cul-de-sacs, and connecting roadways to provide vehicle access to all ten buildings and to meet CFC D105 fire apparatus access requirements. This internal road network is a design necessity for a 51-unit development on this site, irrespective of the Evulich Court right-of-way.

The existing Evulich Court right-of-way, ceded by the original property owners decades ago, runs through the approximate center of the parcel. SummerHill's own site plan replaces the existing cul-de-sac with a new internal street network. The new road that SummerHill constructs in its place can be dedicated back to the City in lieu of the existing right-of-way. This is a standard mechanism in subdivision development; the Vesting Tentative Map (TM-2024-009) already contemplates the reconfiguration of internal circulation.

The critical point: the existence of a historical City right-of-way cannot be the reason to reduce wildfire setbacks to 10 feet and place neighboring single-family homes at risk. The developer must build access roads for the 51-unit development in any configuration. The road infrastructure is a given; only the setback to neighboring homes is a variable. A site plan with right-sized units, as demonstrated by Vida and Westport, could accommodate both the required road network and full 30-foot PRC 4290 setbacks.

Appendix D: SummerHill Unit Mix Detail (Sheet A08)

Unit Type	Qty	Net Interior SF	Porches/Decks	Livable SF*	Garage SF
Unit 1 (BMR)	10	1,777	~200	~1,977	579
Unit 2	21	2,217	~200	~2,417	469
Unit 3	12	2,317	~200	~2,517	447
Unit 3ALT	8	2,315	~200	~2,515	464
Average / Total	**51**	**2,170 avg**	**~200 avg**	**2,369 avg**	**485 avg**

**Livable SF = Net Interior SF (per A08, measured to outside face of stud) + prorated porches/decks (~200 SF/unit average from project totals of 4,300 SF porches + 5,878 SF decks across 51 units). Excludes garage only.*

***Source:** Exhibit C, Sheet A08 Project Data (September 15, 2025). Staff Report FAR figure of 148,473 SF (136% FAR) includes these areas plus additional common area.*

Market-rate units (Units 2, 3, 3ALT, 41 units) average 2,265 net interior SF, or approximately 2,465 livable SF including porches/decks. Even the BMR units (Unit 1, 10 units) at 1,977 livable SF are larger than the Vida average of 1,748 and comparable to the Westport average of 1,978. This confirms that right-sized units are not only viable but already part of SummerHill's own product offering.

Data Sources

SummerHill Linda Vista: City of Cupertino Staff Report, March 17, 2026 (File #26-14876); Exhibit C, Sheet A08 Project Data (Sept. 15, 2025); Exhibit A, Setback Site Plan (Rev. 12/19/2025); Attachment F, AMMR Approval (Steven Bull / SummerHill Homes, Oct. 28, 2025, Rev. Dec. 19, 2025).

Vida Sunnyvale Phase I: City of Sunnyvale File #21-0715 (Planning Application #2020-7525): Attachment 2 (Project Data Table), Attachment 3 (Recommended Findings), Attachment 7 (Project Plans, Sheet A01). Approved July 12, 2021.

Westport Cupertino: City of Cupertino (File #DP-2018-05, ASA-2018-05, TM-2018-03); Approved by City Council Aug. 18, 2020; EIR certified (CEQA #2019070377). Building data from approved planning documents. 88 townhomes/rowhouses by KT Urban / C2K Architecture.

Staff Report Memorandum

To: Cupertino City Council

From: Mark W. Fantozzi, PE

Re: Legal Deficiencies in Staff Report and Approval Findings for SummerHill Homes Project (TM-2024-009, ASA-2024-015, TR-2024-044)

Date: March 2026

VIA EMAIL

I. INTRODUCTION

This memorandum identifies material legal errors, omissions, and unsupported findings in the Planning Department's staff report recommending approval of the SummerHill Homes project at 10857–10887 Linda Vista Drive. These errors render the proposed CEQA exemption, General Plan consistency findings, and Subdivision Map Act findings legally indefensible.

The central issue is straightforward:

SB 330 vesting does not exempt the project from updated fire-safety regulations, VHFHSZ requirements, evacuation capacity analysis, or General Plan Safety Element policies.

- The staff report incorrectly asserts otherwise, resulting in a recommendation that violates:
- The General Plan Safety Element
- The Subdivision Map Act (Gov. Code §66474)
- AB 747 (2019) and AB 1409 (2021)
- Public Resources Code §§4290 and 4291
- California Fire Code (CFC) Appendix B, C, and D
- Government Code §65913.4(a)(6)
- CEQA exemption requirements

These deficiencies require the City Council to deny the project or continue the hearing until the required analyses are completed.

II. FACTUAL BACKGROUND

A. Project Location and Application

The project proposes 51 townhome units on a constrained hillside parcel accessed by a single dead-end road (Evulich Court) adjacent to the Stevens Creek canyon.

B. SB 330 Preliminary Application

The applicant submitted an SB 330 preliminary application on October 9, 2024.

C. VHFHSZ Designation

In February 2025, CAL FIRE adopted updated Fire Hazard Severity Zone maps. The project site is now designated Very High Fire Hazard Severity Zone (VHFHSZ).

D. Evacuation Route Capacity Assessment (October 2025)

The City commissioned Fehr & Peers to prepare a citywide evacuation capacity assessment, which identifies:

- Severe bottlenecks
- Limited egress in hillside neighborhoods
- High wildfire vulnerability

E. Staff Report (February 2026)

The staff report asserts:

The City does not have any adopted objective standards pertaining to evacuation. As a result, an evacuation study has not been required.

This statement is factually incorrect and contradicted by:

- The General Plan Safety Element (2026 Draft)
- AB 747 and AB 1409
- The City's own Evacuation Route Capacity Assessment

III. ISSUES PRESENTED

1. Does SB 330 vesting exempt the project from updated fire-safety regulations, VHFHSZ requirements, or evacuation analysis?

No.

2. Did the Planning Department fail to apply mandatory General Plan Safety Element policies?

Yes.

3. Did the City fail to make required Subdivision Map Act safety findings supported by substantial evidence?

Yes.

4. Is the CEQA exemption invalid due to failure to demonstrate compliance with Government Code §65913.4(a)(6)?

Yes.

IV. APPLICABLE LAW

A. SB 330 (Gov. Code §65589.5 and §65941.1)

SB 330 vests zoning and design standards, not public-safety regulations.

B. Public Resources Code §§4290 and 4291

Mandate:

- Adequate road width
- Adequate turnarounds
- Adequate fire-flow
- Adequate water supply
- Secondary access where feasible

C. California Fire Code (CFC) Appendix B, C, D

Require:

- Fire-flow modeling
- Hydrant spacing
- Dead-end road limits
- Minimum clear width
- Emergency access compliance

D. Government Code §65913.4(a)(6)

A CEQA-exempt project in a VHFHSZ must demonstrate compliance with:

- PRC 4290
- PRC 4291
- CBC Chapter 7A
- Local fire-safe regulations

E. Subdivision Map Act (Gov. Code §66474)

A tentative map must be denied if:

- The site is physically unsuitable
- The subdivision creates danger to life or property

- The subdivision is inconsistent with the General Plan

F. AB 747 (2019) and AB 1409 (2021)

Require:

- Identification of evacuation routes
- Assessment of capacity, safety, and viability
- Identification of bottlenecks
- Evacuation locations

G. General Plan Safety Element (2026 Draft)

Contains mandatory policies:

- HS-2.11: Evacuation Routes
- HS-2.13: Ingress and Egress
- HS-2.14: Secondary Access
- HS-2.1: Building and Fire Code Compliance

These are objective standards.

V. ANALYSIS

A. SB 330 Does Not Exempt the Project from Fire-Safety or VHFHSZ Requirements

The staff report incorrectly implies that SB 330 "locks in" pre-2025 fire-safety conditions

- This is legally incorrect.

Courts consistently hold:

- Vested rights do not apply to public-safety regulations.

Fire-safety standards are police-power regulations and cannot be frozen.

B. The Staff Report Fails to Apply Mandatory General Plan Safety Policies

The General Plan requires:

- Evacuation route analysis
- Ingress/egress adequacy
- Secondary access feasibility
- Fire-flow and water-supply adequacy

The staff report:

- Conducted no evacuation analysis
- Conducted no fire-flow modeling
- Conducted no dead-end road compliance review
- Conducted no secondary access feasibility study

This violates the General Plan.

C. The City Ignored Its Own Evacuation Route Capacity Assessment

The Fehr & Peers study identifies:

- Severe bottlenecks
- Limited egress in hillside neighborhoods
- High wildfire vulnerability

The staff report ignores this study entirely.

This omission violates:

- AB 747
- AB 1409
- General Plan Safety Element
- Subdivision Map Act safety findings

D. The CEQA Exemption Is Invalid

Government Code §65913.4(a)(6) requires demonstrated compliance with:

- PRC 4290
- PRC 4291
- CBC Chapter 7A

The staff report provides no evidence of:

- Fire-flow modeling
- Hydrant spacing analysis
- Roadway adequacy
- Water-supply verification
- Secondary access feasibility

A conclusory Fire Department letter is not substantial evidence.

E. Subdivision Map Act Findings Are Unsupported

Gov. Code §66474 requires denial if:

- The site is physically unsuitable
- The subdivision creates danger to life or property
- The subdivision is inconsistent with the General Plan

Because the City failed to analyze:

- Evacuation
- Fire-flow
- Water supply
- Roadway adequacy
- VHFHSZ wildfire behavior

The findings are unsupported and invalid.

VI. CONCLUSION

The staff report contains material legal errors and omissions that invalidate:

- The CEQA exemption
- The General Plan consistency findings
- The Subdivision Map Act findings
- The safety determinations required by State law

The City Council must:

1. Deny the project, or

2. Continue the hearing and require:

- A full evacuation analysis
- Fire-flow and hydraulic modeling
- Secondary access feasibility study
- VHFHSZ wildfire behavior analysis
- Updated General Plan consistency review

VII. RECOMMENDED ACTION

Do not adopt the staff recommendation.

Direct staff to prepare a revised analysis that complies with:

1. The General Plan
2. AB 747 / AB 1409
3. PRC 4290 / 4291
4. CFC Appendix B, C, D
5. Government Code §65913.4(a)(6)

6. Subdivision Map Act §66474

Memorandum

To: Floy Andrews, City Attorney, City of Cupertino

Copy To: City Clerk & City Council, City of Cupertino

From: Mark W. Fantozzi, PE

Date: March 10, 2026

VIA EMAIL

Re: TM-2024-009 (Linda Vista Drive) — Requirement for Applicant Financial Disclosure When Seeking Fire-Safety Exceptions in a Very High Fire Hazard Severity Zone

Dear Floy Andrews:

I am writing to request formal clarification and action regarding the City's legal obligations when an applicant seeks **exceptions to fire-safety standards, CEQA requirements, or General Plan policies** for a project located within a **Very High Fire Hazard Severity Zone (VHFHSZ)**. The TM-2024-009 application for 10857, 10867, 10877, and 10886 Linda Vista Drive includes a request for a **PRC 4290 exception**, which is a **discretionary deviation** from mandatory fire-safety standards.

Under California law, when an applicant seeks a discretionary exception that reduces public-safety protections, the City is entitled — and in some cases required — to obtain **financial information** demonstrating whether full compliance is feasible. This principle is supported by multiple appellate decisions, including:

- *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506
- *Sequoyah Hills Homeowners Ass'n v. City of Oakland* (1993) 23 Cal.App.4th 704
- *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656
- *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957
- *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859
- *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572

Taken together, these cases establish that:

1. **Discretionary exceptions require substantial evidence** (*Topanga*).
2. **Economic feasibility is a required component of evaluating alternatives and mitigation** (*Sequoyah Hills*, *San Franciscans Upholding*, *CNPS*, *Eel River*).
3. **Agencies may require financial information to support findings** (*Bowman*).

Because the applicant seeks to avoid compliance with PRC 4290 setback requirements — and because compliance may require costly design changes, grading, access improvements, or

water-supply upgrades — the exception confers a **financial benefit**. The City therefore has a legal basis to require:

- Project pro forma
- Cost estimates for full fire-safety compliance
- Cost comparison of compliant vs. non-compliant designs
- Evidence supporting any claim of infeasibility

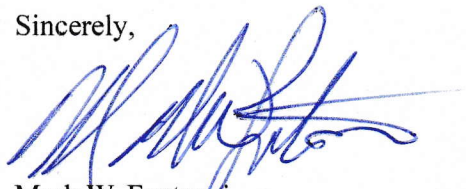
Without this information, the City cannot make the findings required to grant a PRC 4290 exception, nor can it make the mandatory General Plan consistency findings under Government Code §§65300.5 and 65860.

I respectfully request that your office:

1. Confirm that the City may require financial disclosure when an applicant seeks a PRC 4290 exception or other fire-safety deviation.
2. Advise the Planning Department and City Council that financial feasibility is a legally relevant factor in evaluating such exceptions.
3. Direct staff to require the applicant for TM-2024-009 to submit financial documentation sufficient to support any claim that full compliance with fire-safety standards is infeasible.

Thank you for your attention to this matter. I look forward to your guidance.

Sincerely,



Mark W. Fantozzi
Cupertino, CA
mwfantozzi@tfanco.com

Legal Argument

Requiring Financial Disclosure When a Developer Seeks Fire-Safety Exceptions in a VHFHSZ

TM-2024-009 — 10857, 10867, 10877, 10886 Linda Vista Drive, Cupertino

I. INTRODUCTION

This memorandum identifies California case law that, taken together, establishes a legal basis for requiring the applicant for TM-2024-009 to disclose **project financial information** when seeking **exceptions to fire-safety standards, CEQA requirements, or General Plan policies** in a Very High Fire Hazard Severity Zone (VHFHSZ).

While no single case directly addresses "fire-code exceptions as financial benefit," the combined holdings of the cases below support the argument that:

1. Discretionary exceptions confer a financial benefit,
2. Financial feasibility becomes relevant when exceptions are requested, and
3. The City may require financial disclosure to evaluate whether the exception is justified, necessary, and consistent with public-safety obligations.

II. APPLICABLE CASE LAW SUPPORTING FINANCIAL DISCLOSURE

Below are the cases that, when synthesized, create a compelling legal foundation.

1. *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506

Key Holding:

Discretionary approvals require **findings supported by substantial evidence** demonstrating that the exception is justified.

Relevance:

A PRC 4290 exception is discretionary. To justify it, the City must evaluate:

- Whether the exception is necessary
- Whether alternatives exist
- Whether equivalent safety is achieved

Financial feasibility is part of evaluating alternatives. If the applicant claims compliance is "infeasible," the City may require financial data to verify that claim.

2. *Sequoyah Hills Homeowners Ass'n v. City of Oakland* (1993) 23 Cal.App.4th 704

Key Holding:

When a developer claims that full compliance with regulations is infeasible, the agency may consider **economic feasibility** and require supporting evidence.

Relevance:

If the applicant argues that meeting fire-code standards, access requirements, or General Plan policies is "infeasible," the City may require:

- Cost estimates
- Pro forma analysis
- Financial feasibility documentation

This case directly supports requiring financial disclosure when exceptions are sought.

3. *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656

Key Holding:

Agencies may require **economic evidence** to evaluate whether mitigation measures or alternatives are feasible.

Relevance:

Fire-safety compliance (e.g., widening access roads, improving water supply, adding hydrants, meeting PRC 4290 setbacks) may be costly. If the applicant seeks an exception instead of compliance, the City may require financial information to determine:

- Whether compliance is truly infeasible
- Whether the exception is justified
- Whether the applicant is avoiding costs at the expense of public safety

4. *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957

Key Holding:

Economic feasibility is a legitimate factor in determining whether alternatives or mitigation measures are required.

Relevance:

If the applicant seeks to avoid fire-safety requirements, the City may require financial disclosure to evaluate:

- Whether safer alternatives are feasible
- Whether the applicant is choosing a cheaper but less safe option

5. *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859

Key Holding:

Agencies must consider whether mitigation measures are **practicable**, including economic practicability.

Relevance:

If the applicant claims that meeting fire-flow, access, or evacuation standards is impracticable, the City may require:

- Cost analysis
- Engineering cost estimates
- Financial feasibility documentation

6. *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572

Key Holding:

Courts defer to agencies when they require **economic evidence** to support findings.

Relevance:

- If Cupertino requires financial disclosure to justify a PRC 4290 exception, courts will defer to the City's judgment.

III. SYNTHESIZED LEGAL PRINCIPLE

Taken together, these cases establish the following:

1. **Discretionary exceptions require substantial evidence.**

2. **Economic feasibility is part of evaluating alternatives and mitigation.**

(*Sequoyah Hills, San Franciscans Upholding, CNPS, Eel River*)

3. **Agencies may require financial information to support findings.**

(*Bowman*)

4. **A PRC 4290 exception is a discretionary deviation from mandatory fire-safety standards.**

Therefore:

The City may require the applicant to disclose project financials to justify the exception.

IV. APPLICATION TO TM-2024-009

The applicant seeks:

- A **PRC 4290 exception** for non-conforming setbacks
- Relief from full fire-flow and access compliance
- Approval in a **Very High Fire Hazard Severity Zone**
- Approval without evacuation analysis
- Approval without a Final Fire Protection Plan

These exceptions reduce the applicant's costs by avoiding:

- Road widening
- Water-supply upgrades
- Additional hydrants
- Fire-resistant construction
- Grading or access improvements

This is a financial benefit.

Under the case law above, the City may require:

- Pro forma financials
- Cost estimates for full compliance
- Cost comparison of compliant vs. non-compliant designs
- Evidence that compliance is truly infeasible

Without this information, the City cannot make:

- PRC 4290 findings
- General Plan consistency findings
- CEQA findings (if CEQA applies)
- Public-safety findings

V. CONCLUSION

While no single case directly states that "fire-code exceptions require financial disclosure," the combined holdings of California appellate decisions create a strong legal basis for requiring the applicant to provide project financials when seeking discretionary exceptions in a VHFHSZ.

The City of Cupertino is legally justified — and arguably obligated — to require:

- Full financial disclosure
- Cost analysis of compliance
- Evidence supporting any claim of infeasibility

before granting any exception that reduces fire-safety protections.

Staff Report Memorandum

To: Cupertino City Council

From: Mark W. Fantozzi

Re: Legal Deficiencies in Staff Report and Approval Findings for SummerHill Homes Project (TM-2024-009, ASA-2024-015, TR-2024-044)

Date: March 2026

VIA EMAIL

I. INTRODUCTION

This memorandum identifies material legal errors, omissions, and unsupported findings in the Planning Department's staff report recommending approval of the SummerHill Homes project at 10857–10887 Linda Vista Drive. These errors render the proposed CEQA exemption, General Plan consistency findings, and Subdivision Map Act findings legally indefensible.

The central issue is straightforward:

SB 330 vesting does not exempt the project from updated fire-safety regulations, VHFHSZ requirements, evacuation capacity analysis, or General Plan Safety Element policies.

- The staff report incorrectly asserts otherwise, resulting in a recommendation that violates:
- The General Plan Safety Element
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- California Fire Code (CFC) Appendix B, C, and D
- Government Code §65913.4(a)(6)
- CEQA exemption requirements

These deficiencies require the City Council to deny the project or continue the hearing until the required analyses are completed.

II. FACTUAL BACKGROUND

A. Project Location and Application

The project proposes 51 townhome units on a constrained hillside parcel accessed by a single dead-end road (Evulich Court) adjacent to the Stevens Creek canyon.

B. SB 330 Preliminary Application

The applicant submitted an SB 330 preliminary application on October 9, 2024.

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- Severe bottlenecks
- Limited egress in hillside neighborhoods
- High wildfire vulnerability

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The staff report asserts:

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This statement is factually incorrect and contradicted by:

- The General Plan Safety Element (2026 Draft)
- AB 747 and AB 1409
- The City's own Evacuation Route Capacity Assessment

III. ISSUES PRESENTED

1. Does SB 330 vesting exempt the project from updated fire-safety regulations, VHFHSZ requirements, or evacuation analysis?

No.

2. Did the Planning Department fail to apply mandatory General Plan Safety Element policies?

Yes.

3. Did the City fail to make required Subdivision Map Act safety findings supported by substantial evidence?

Yes.

4. Is the CEQA exemption invalid due to failure to demonstrate compliance with Government Code §65913.4(a)(6)?

Yes.

IV. APPLICABLE LAW

A. SB 330 (Gov. Code §65589.5 and §65941.1)

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Mandate:

- Adequate road width
- Adequate turnarounds
- Adequate fire-flow
- Adequate water supply
- Secondary access where feasible

C. California Fire Code (CFC) Appendix B, C, D

Require:

- Fire-flow modeling
- Hydrant spacing
- Dead-end road limits
- Minimum clear width
- Emergency access compliance

D. Government Code §65913.4(a)(6)

A CEQA-exempt project in a VHFHSZ must demonstrate compliance with:

- PRC 4290
- PRC 4291
- CBC Chapter 7A
- Local fire-safe regulations

E. Subdivision Map Act (Gov. Code §66474)

A tentative map must be denied if:

- The site is physically unsuitable
- The subdivision creates danger to life or property

- The subdivision is inconsistent with the General Plan

F. AB 747 (2019) and AB 1409 (2021)

Require:

- Identification of evacuation routes
- Assessment of capacity, safety, and viability
- Identification of bottlenecks
- Evacuation locations

G. General Plan Safety Element (2026 Draft)

Contains mandatory policies:

- HS-2.11: Evacuation Routes
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- HS-2.14: Secondary Access
- HS-2.1: Building and Fire Code Compliance

These are objective standards.

V. ANALYSIS

A. SB 330 Does Not Exempt the Project from Fire-Safety or VHFHSZ Requirements

The staff report incorrectly implies that SB 330 "locks in" pre-2025 fire-safety conditions

- This is legally incorrect.

Courts consistently hold:

- Vested rights do not apply to public-safety regulations.

Fire-safety standards are police-power regulations and cannot be frozen.

B. The Staff Report Fails to Apply Mandatory General Plan Safety Policies

The General Plan requires:

- Evacuation route analysis
- Ingress/egress adequacy
- Secondary access feasibility
- Fire-flow and water-supply adequacy

The staff report:

- Conducted no evacuation analysis
- Conducted no fire-flow modeling
- Conducted no dead-end road compliance review
- Conducted no secondary access feasibility study

This violates the General Plan.

C. The City Ignored Its Own Evacuation Route Capacity Assessment

The Fehr & Peers study identifies:

- Severe bottlenecks
- Limited egress in hillside neighborhoods
- High wildfire vulnerability

The staff report ignores this study entirely.

This omission violates:

- AB 747
- AB 1409
- General Plan Safety Element
- Subdivision Map Act safety findings

D. The CEQA Exemption Is Invalid

Government Code §65913.4(a)(6) requires demonstrated compliance with:

- PRC 4290
- PRC 4291
- CBC Chapter 7A

The staff report provides no evidence of:

- Fire-flow modeling
- Hydrant spacing analysis
- Roadway adequacy
- Water-supply verification
- Secondary access feasibility

A conclusory Fire Department letter is not substantial evidence.

E. Subdivision Map Act Findings Are Unsupported

Gov. Code §66474 requires denial if:

- The site is physically unsuitable
- The subdivision creates danger to life or property
- The subdivision is inconsistent with the General Plan

Because the City failed to analyze:

- Evacuation
- Fire-flow
- Water supply
- Roadway adequacy
- VHFHSZ wildfire behavior

The findings are unsupported and invalid.

VI. CONCLUSION

The staff report contains material legal errors and omissions that invalidate:

- The CEQA exemption
- The General Plan consistency findings
- The Subdivision Map Act findings
- The safety determinations required by State law

The City Council must:

1. Deny the project, or

2. Continue the hearing and require:

- A full evacuation analysis
- Fire-flow and hydraulic modeling
- Secondary access feasibility study
- VHFHSZ wildfire behavior analysis
- Updated General Plan consistency review

VII. RECOMMENDED ACTION

Do not adopt the staff recommendation.

Direct staff to prepare a revised analysis that complies with:

1. The General Plan
2. AB 747 / AB 1409
3. PRC 4290 / 4291
4. CFC Appendix B, C, D
5. Government Code §65913.4(a)(6)

6. Subdivision Map Act §66474

FORMAL NEGLIGENCE ARGUMENT

Submitted to: Cupertino City Attorney and Cupertino City Council

Re: Administrative Negligence in the Review and Recommendation of Approval for TM-2024-009 (Linda Vista Townhomes)

Project: TM-2024-009 (Linda Vista Townhomes)

Location: 10857–10887 Linda Vista Drive, Cupertino, CA

Prepared by: Mark W. Fantozzi, PE

VIA EMAIL

I. INTRODUCTION

This letter sets forth a formal argument that the Cupertino Planning Department's review and recommendation of approval for TM-2024-009 constitutes administrative negligence—meaning a failure to proceed in the manner required by law, an abuse of discretion, and a recommendation unsupported by substantial evidence—under the Subdivision Map Act, California Fire Code, Public Resources Code §§4290–4291, and the Cupertino General Plan Safety Element. This argument does not allege tort liability or personal wrongdoing. Instead, it demonstrates that the Planning Department failed to perform mandatory statutory duties designed to protect public safety, particularly in a Very High Fire Hazard Severity Zone (VHFHSZ). These failures materially compromised the integrity of the administrative record and resulted in a recommendation of approval that is legally indefensible.

II. LEGAL STANDARD FOR ADMINISTRATIVE NEGLIGENCE

In California land-use law, negligence manifests as: failure to proceed in the manner required by law; abuse of discretion; findings unsupported by substantial evidence; and arbitrary and capricious action. These standards are codified in Gov. Code §66474 (Subdivision Map Act), Code of Civil Procedure §1094.5 (Administrative Mandamus), General Plan consistency doctrine, and Fire Code and PRC compliance requirements. A city acts negligently in the administrative sense when it fails to perform mandatory safety evaluations, ignores statutory requirements, or recommends approval without substantial evidence.

III. DUTY OF CARE

The Planning Department had a mandatory duty to ensure that TM-2024-009 complied with: (1) Subdivision Map Act – Gov. Code §66474; (2) California Fire Code – CFC §503, CFC §403–404, Appendix D, Appendix B; (3) Public Resources Code §§4290–4291; and (4) Cupertino General Plan Safety Element – Policies HS-2.13, S-1.3, S-2.3, S-2.4. These duties are not discretionary.

IV. BREACH OF DUTY

The Planning Department breached its duty by failing to perform required safety evaluations and by recommending approval despite the absence of substantial evidence. Breaches include: (A) No wildfire evacuation analysis; (B) No fire-flow analysis; (C) Ignoring dead-end road requirements; (D) Using outdated, pre-rezoning data; and (E) Making findings without substantial evidence.

V. CAUSATION

The Planning Department's omissions directly caused an incomplete and legally defective administrative record, erroneous findings of General Plan consistency, a recommendation of approval that violates state law, and a foreseeable risk that residents may be unable to evacuate during a wildfire.

VI. FORESEEABLE HARM

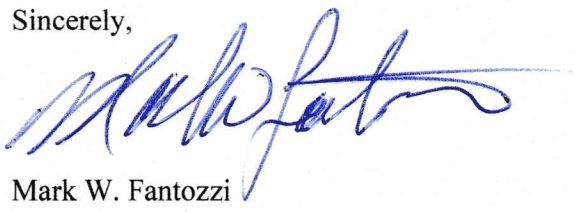
Evacuation analysis shows McClellan Road V/C = 4.2, Foothill Boulevard V/C = 4.0, V/C > 1.0 = system failure, CUP-029 generates 38% of all evacuation trips, the project sits in a VHFHSZ, and the only evacuation route is a dead-end funnel. These conditions create a foreseeable, life-threatening evacuation failure. Under California law, foreseeable risk satisfies the harm element of administrative negligence.

VII. CONCLUSION

The Planning Department's review and recommendation of approval for TM-2024-009 constitutes administrative negligence because it failed to proceed in the manner required by law, failed to comply with mandatory Fire Code and PRC requirements, failed to ensure General Plan Safety Element consistency, failed to provide substantial evidence supporting required findings, and recommended approval despite foreseeable, life-safety risks. Under Gov. Code §66474, the City Council must deny the tentative map. The City Attorney and City Council are respectfully requested to reject the Planning Department's recommendation, remand the project for full Fire Code and evacuation compliance analysis, require a comprehensive wildfire evacuation study, and ensure compliance with all mandatory General Plan Safety policies. Attached is a Staff Report Memorandum identifying material legal errors, omissions, and unsupported findings in the Planning Department's staff report.

Thank you for your attention to this matter.

Sincerely,



Mark W. Fantozzi
Cupertino, CA
mwfantozzi@tfanco.com

FORMAL NEGLIGENCE ARGUMENT

Submitted to: Cupertino City Attorney and Cupertino City Council

Re: Administrative Negligence in the Review and Recommendation of Approval for TM-2024-009 (Linda Vista Townhomes)

Project: TM-2024-009 (Linda Vista Townhomes)

Location: 10857–10887 Linda Vista Drive, Cupertino, CA

Prepared by: Mark W. Fantozzi, PE

VIA EMAIL

I. INTRODUCTION

This letter sets forth a formal argument that the Cupertino Planning Department's review and recommendation of approval for TM-2024-009 constitutes administrative negligence—meaning a failure to proceed in the manner required by law, an abuse of discretion, and a recommendation unsupported by substantial evidence—under the Subdivision Map Act, California Fire Code, Public Resources Code §§4290–4291, and the Cupertino General Plan Safety Element. This argument does not allege tort liability or personal wrongdoing. Instead, it demonstrates that the Planning Department failed to perform mandatory statutory duties designed to protect public safety, particularly in a Very High Fire Hazard Severity Zone (VHFHSZ). These failures materially compromised the integrity of the administrative record and resulted in a recommendation of approval that is legally indefensible.

II. LEGAL STANDARD FOR ADMINISTRATIVE NEGLIGENCE

In California land-use law, negligence manifests as: failure to proceed in the manner required by law; abuse of discretion; findings unsupported by substantial evidence; and arbitrary and capricious action. These standards are codified in Gov. Code §66474 (Subdivision Map Act), Code of Civil Procedure §1094.5 (Administrative Mandamus), General Plan consistency doctrine, and Fire Code and PRC compliance requirements. A city acts negligently in the administrative sense when it fails to perform mandatory safety evaluations, ignores statutory requirements, or recommends approval without substantial evidence.

III. DUTY OF CARE

The Planning Department had a mandatory duty to ensure that TM-2024-009 complied with: (1) Subdivision Map Act – Gov. Code §66474; (2) California Fire Code – CFC §503, CFC §403–404, Appendix D, Appendix B; (3) Public Resources Code §§4290–4291; and (4) Cupertino General Plan Safety Element – Policies HS-2.13, S-1.3, S-2.3, S-2.4. These duties are not discretionary.

IV. BREACH OF DUTY

The Planning Department breached its duty by failing to perform required safety evaluations and by recommending approval despite the absence of substantial evidence. Breaches include: (A) No wildfire evacuation analysis; (B) No fire-flow analysis; (C) Ignoring dead-end road requirements; (D) Using outdated, pre-rezoning data; and (E) Making findings without substantial evidence.

V. CAUSATION

The Planning Department's omissions directly caused an incomplete and legally defective administrative record, erroneous findings of General Plan consistency, a recommendation of approval that violates state law, and a foreseeable risk that residents may be unable to evacuate during a wildfire.

VI. FORESEEABLE HARM

Evacuation analysis shows McClellan Road V/C = 4.2, Foothill Boulevard V/C = 4.0, V/C > 1.0 = system failure, CUP-029 generates 38% of all evacuation trips, the project sits in a VHFHSZ, and the only evacuation route is a dead-end funnel. These conditions create a foreseeable, life-threatening evacuation failure. Under California law, foreseeable risk satisfies the harm element of administrative negligence.

VII. CONCLUSION

The Planning Department's review and recommendation of approval for TM-2024-009 constitutes administrative negligence because it failed to proceed in the manner required by law, failed to comply with mandatory Fire Code and PRC requirements, failed to ensure General Plan Safety Element consistency, failed to provide substantial evidence supporting required findings, and recommended approval despite foreseeable, life-safety risks. Under Gov. Code §66474, the City Council must deny the tentative map. The City Attorney and City Council are respectfully requested to reject the Planning Department's recommendation, remand the project for full Fire Code and evacuation compliance analysis, require a comprehensive wildfire evacuation study, and ensure compliance with all mandatory General Plan Safety policies. Attached is a Staff Report Memorandum identifying material legal errors, omissions, and unsupported findings in the Planning Department's staff report.

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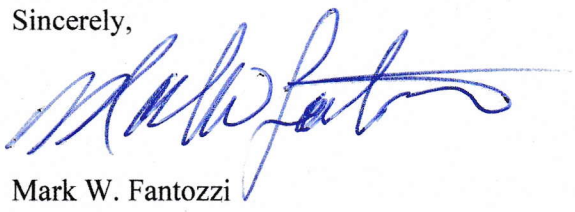

Mark W. Fantozzi
Cupertino, CA
mwfantozzi@tfanco.com

Staff Report Memorandum

To: Cupertino City Council

From: Mark W. Fantozzi

Re: Legal Deficiencies in Staff Report and Approval Findings for SummerHill Homes Project (TM-2024-009, ASA-2024-015, TR-2024-044)

Date: March 2026

VIA EMAIL

I. INTRODUCTION

This memorandum identifies material legal errors, omissions, and unsupported findings in the Planning Department's staff report recommending approval of the SummerHill Homes project at 10857–10887 Linda Vista Drive. These errors render the proposed CEQA exemption, General Plan consistency findings, and Subdivision Map Act findings legally indefensible.

The central issue is straightforward:

SB 330 vesting does not exempt the project from updated fire-safety regulations, VHFHSZ requirements, evacuation capacity analysis, or General Plan Safety Element policies.

- The staff report incorrectly asserts otherwise, resulting in a recommendation that violates:
- The General Plan Safety Element
- The Subdivision Map Act (Gov. Code §66474)
- AB 747 (2019) and AB 1409 (2021)
- Public Resources Code §§4290 and 4291
- California Fire Code (CFC) Appendix B, C, and D
- Government Code §65913.4(a)(6)
- CEQA exemption requirements

These deficiencies require the City Council to deny the project or continue the hearing until the required analyses are completed.

II. FACTUAL BACKGROUND

A. Project Location and Application

The project proposes 51 townhome units on a constrained hillside parcel accessed by a single dead-end road (Evulich Court) adjacent to the Stevens Creek canyon.

B. SB 330 Preliminary Application

The applicant submitted an SB 330 preliminary application on October 9, 2024.

C. VHFHSZ Designation

In February 2025, CAL FIRE adopted updated Fire Hazard Severity Zone maps. The project site is now designated Very High Fire Hazard Severity Zone (VHFHSZ).

D. Evacuation Route Capacity Assessment (October 2025)

The City commissioned Fehr & Peers to prepare a citywide evacuation capacity assessment, which identifies:

- Severe bottlenecks
- Limited egress in hillside neighborhoods
- High wildfire vulnerability

E. Staff Report (February 2026)

The staff report asserts:

The City does not have any adopted objective standards pertaining to evacuation. As a result, an evacuation study has not been required.

This statement is factually incorrect and contradicted by:

- The General Plan Safety Element (2026 Draft)
- AB 747 and AB 1409
- The City's own Evacuation Route Capacity Assessment

III. ISSUES PRESENTED

1. Does SB 330 vesting exempt the project from updated fire-safety regulations, VHFHSZ requirements, or evacuation analysis?

No.

2. Did the Planning Department fail to apply mandatory General Plan Safety Element policies?

Yes.

3. Did the City fail to make required Subdivision Map Act safety findings supported by substantial evidence?

Yes.

4. Is the CEQA exemption invalid due to failure to demonstrate compliance with Government Code §65913.4(a)(6)?

Yes.

IV. APPLICABLE LAW

A. SB 330 (Gov. Code §65589.5 and §65941.1)

SB 330 vests zoning and design standards, not public-safety regulations.

B. Public Resources Code §§4290 and 4291

Mandate:

- Adequate road width
- Adequate turnarounds
- Adequate fire-flow
- Adequate water supply
- Secondary access where feasible

C. California Fire Code (CFC) Appendix B, C, D

Require:

- Fire-flow modeling
- Hydrant spacing
- Dead-end road limits
- Minimum clear width
- Emergency access compliance

D. Government Code §65913.4(a)(6)

A CEQA-exempt project in a VHFHSZ must demonstrate compliance with:

- PRC 4290
- PRC 4291
- CBC Chapter 7A
- Local fire-safe regulations

E. Subdivision Map Act (Gov. Code §66474)

A tentative map must be denied if:

- The site is physically unsuitable
- The subdivision creates danger to life or property

- The subdivision is inconsistent with the General Plan

F. AB 747 (2019) and AB 1409 (2021)

Require:

- Identification of evacuation routes
- Assessment of capacity, safety, and viability
- Identification of bottlenecks
- Evacuation locations

G. General Plan Safety Element (2026 Draft)

Contains mandatory policies:

- HS-2.11: Evacuation Routes
- HS-2.13: Ingress and Egress
- HS-2.14: Secondary Access
- HS-2.1: Building and Fire Code Compliance

These are objective standards.

V. ANALYSIS

A. SB 330 Does Not Exempt the Project from Fire-Safety or VHFHSZ Requirements

The staff report incorrectly implies that SB 330 "locks in" pre-2025 fire-safety conditions

- This is legally incorrect.

Courts consistently hold:

- Vested rights do not apply to public-safety regulations.

Fire-safety standards are police-power regulations and cannot be frozen.

B. The Staff Report Fails to Apply Mandatory General Plan Safety Policies

The General Plan requires:

- Evacuation route analysis
- Ingress/egress adequacy
- Secondary access feasibility
- Fire-flow and water-supply adequacy

The staff report:

- Conducted no evacuation analysis
- Conducted no fire-flow modeling
- Conducted no dead-end road compliance review
- Conducted no secondary access feasibility study

This violates the General Plan.

C. The City Ignored Its Own Evacuation Route Capacity Assessment

The Fehr & Peers study identifies:

- Severe bottlenecks
- Limited egress in hillside neighborhoods
- High wildfire vulnerability

The staff report ignores this study entirely.

This omission violates:

- AB 747
- AB 1409
- General Plan Safety Element
- Subdivision Map Act safety findings

D. The CEQA Exemption Is Invalid

Government Code §65913.4(a)(6) requires demonstrated compliance with:

- PRC 4290
- PRC 4291
- CBC Chapter 7A

The staff report provides no evidence of:

- Fire-flow modeling
- Hydrant spacing analysis
- Roadway adequacy
- Water-supply verification
- Secondary access feasibility

A conclusory Fire Department letter is not substantial evidence.

E. Subdivision Map Act Findings Are Unsupported

Gov. Code §66474 requires denial if:

- The site is physically unsuitable
- The subdivision creates danger to life or property
- The subdivision is inconsistent with the General Plan

Because the City failed to analyze:

- Evacuation
- Fire-flow
- Water supply
- Roadway adequacy
- VHFHSZ wildfire behavior

The findings are unsupported and invalid.

VI. CONCLUSION

The staff report contains material legal errors and omissions that invalidate:

- The CEQA exemption
- The General Plan consistency findings
- The Subdivision Map Act findings
- The safety determinations required by State law

The City Council must:

1. Deny the project, or

2. Continue the hearing and require:

- A full evacuation analysis
- Fire-flow and hydraulic modeling
- Secondary access feasibility study
- VHFHSZ wildfire behavior analysis
- Updated General Plan consistency review

VII. RECOMMENDED ACTION

Do not adopt the staff recommendation.

Direct staff to prepare a revised analysis that complies with:

1. The General Plan
2. AB 747 / AB 1409
3. PRC 4290 / 4291
4. CFC Appendix B, C, D
5. Government Code §65913.4(a)(6)

6. Subdivision Map Act §66474

Fire Code Compliance Deficiency Report

Project: TM-2024-009 (Linda Vista Townhomes)

Location: 10857–10887 Linda Vista Drive, Cupertino, CA

Prepared for: Cupertino City Council

Prepared by: Mark W. Fantozzi, PE

VIA EMAIL

Purpose: Demonstrate that the project fails to comply with the California Fire Code, PRC 4290/4291, and SCCFD standards, and therefore cannot be approved.

I. INTRODUCTION

This report identifies major fire-safety and evacuation deficiencies in the review and approval of TM-2024-009. The project is located in a Very High Fire Hazard Severity Zone (VHFHSZ) and relies on a single dead-end evacuation route (Evulich Court → Linda Vista Drive). Despite this, the City approved the project without conducting any wildfire evacuation analysis, without verifying fire-flow adequacy, and without demonstrating compliance with the California Fire Code (CFC) or Public Resources Code (PRC) §§4290–4291. These omissions constitute substantial Fire Code compliance failures and create a foreseeable life-safety hazard.

II. APPLICABLE FIRE SAFETY LAWS AND STANDARDS

1. 1. California Fire Code (CFC) – CFC §503, CFC §403–404, Appendix D, Appendix B.
2. 2. Public Resources Code (PRC) – PRC §4290, PRC §4291.
3. 3. Santa Clara County Fire Department (SCCFD) Standards.
4. 4. Cupertino General Plan Safety Element – Policies S-1.3, S-2.3, S-2.4, HS-2.13.

III. FIRE CODE COMPLIANCE DEFICIENCIES

A. FAILURE TO PROVIDE REQUIRED EVACUATION ANALYSIS

Violates: CFC §403–404; PRC §4290; General Plan S-1.3, S-2.3, S-2.4

No wildfire evacuation analysis was conducted for a 51-unit subdivision in a VHFHSZ. The City cannot demonstrate safe evacuation without modeling clearance time, queue

formation, merging delay, or cumulative evacuation load. This violates mandatory emergency planning and evacuation requirements.

B. DEAD-END ROAD NON-COMPLIANCE
Violates: CFC Appendix D (§D103.4), PRC §4290

Evulich Court and Linda Vista Drive function as a single dead-end evacuation route serving 51 units. No secondary access exists. This violates maximum dead-end length and dual access requirements for subdivisions in VHFHSZ.

C. FAILURE TO DEMONSTRATE FIRE-FLOW ADEQUACY
Violates: CFC Appendix B; SCCFD Water Supply Standards

The record contains no fire-flow analysis demonstrating that the water system can meet required flow rates for a 51-unit, three-story townhome development in a VHFHSZ. No verification of system pressure, duration, or hydrant spacing was provided.

D. FAILURE TO ANALYZE ROADWAY CAPACITY UNDER EMERGENCY CONDITIONS
Violates: CFC §403–404; PRC §4290; General Plan S-2.4

The City relied on a commuter traffic study (Tier 2 LTA) that does not evaluate wildfire evacuation. Traffic-Evacuation analysis shows McClellan Road V/C = 4.2 and Foothill Boulevard V/C = 4.0 under evacuation – indicating system failure. This violates evacuation planning requirements.

E. FAILURE TO ADDRESS SCHOOL-ZONE EVACUATION CONFLICTS
Violates: CFC §403; General Plan M-2.3.1

The project is adjacent to Monta Vista High School and Kennedy Middle School, yet no analysis was performed on evacuation during school hours, pedestrian conflicts, or parent pickup congestion. This creates a foreseeable evacuation hazard.

F. FAILURE TO DEMONSTRATE COMPLIANCE WITH WUI CONSTRUCTION REQUIREMENTS
Violates: CBC Chapter 7A; CFC Chapter 49

The record does not demonstrate compliance with ember-resistant construction, non-combustible materials within 30 feet, defensible space requirements, or ignition-resistant standards required in the wildland-urban interface.

IV. SUMMARY OF FIRE CODE VIOLATIONS

TM-2024-009 violates:

- CFC §403–404 (evacuation planning)
- CFC §503 (access)
- CFC Appendix D (dead-end road limits)
- CFC Appendix B (fire-flow)
- PRC §4290 (ingress/egress)
- PRC §4291 (defensible space)
- CBC Chapter 7A (WUI construction)
- Multiple General Plan Safety policies

These violations are not discretionary. They are mandatory life-safety requirements.

V. CONCLUSION

Because the project fails to comply with the California Fire Code, PRC §§4290–4291, SCCFD standards, and the Cupertino General Plan Safety Element, the City Council cannot lawfully approve TM-2024-009. Under the Subdivision Map Act (Gov. Code §66474(g)), a tentative map must be denied if the design is likely to cause serious public health or safety problems. TM-2024-009 meets that definition.

FINDINGS REQUIRED TO LEGALLY GRANT A PRC 4290 EXCEPTION IN A VHFHSZ

Project: TM-2024-009 (Linda Vista Townhomes)

Location: 10857–10887 Linda Vista Drive, Cupertino, CA

Prepared for: Cupertino City Council

Prepared by: Mark W. Fantozzi, PE

To lawfully grant a PRC 4290 exception for TM-2024-009, the City must adopt findings supported by substantial evidence, consistent with *Topanga* and subsequent case law. The following findings are **mandatory**:

1. Finding of Discretionary Authority

The City must acknowledge that granting a PRC 4290 exception is a **discretionary act**, not ministerial. This triggers:

- CEQA applicability (unless independently exempt)
- Substantial evidence requirements
- General Plan consistency requirements

2. Finding of Equivalent Fire Safety

The City must find that the exception provides **equivalent or superior fire safety** compared to full compliance with PRC 4290.

This requires evidence demonstrating:

- Fire-flow adequacy
- Access and turnaround compliance
- Defensible-space performance
- Wildfire behavior modeling
- Emergency-response capability

SCCFD's conditional approval **cannot** substitute for this finding.

3. Finding of Economic Feasibility (Supported by Financial Disclosure)

Under *Sequoyah Hills*, *San Franciscans Upholding*, *CNPS*, and *Eel River*, the City must evaluate whether full compliance is **economically feasible**.

This requires:

- Project pro forma
- Cost estimates for full PRC 4290 compliance
- Cost comparison of compliant vs. non-compliant designs
- Evidence supporting any claim of infeasibility

Without financial disclosure, the City cannot make this finding.

4. Finding of No Reasonable Alternative

The City must find that **no feasible alternative design** exists that would avoid the need for the exception.

This requires analysis of:

- Alternative site layouts
- Alternative access configurations
- Alternative grading or roadway improvements
- Alternative water-supply enhancements

5. Finding of General Plan Consistency

Government Code §§65300.5 and 65860 require that all land-use decisions be consistent with the General Plan.

The City must find consistency with:

- Safety Element Policy S-1.1 (wildfire risk reduction)
- Safety Element Policy S-1.3 (evacuation and emergency access)
- Safety Element Policy S-2.2 (fire-flow and water-supply adequacy)
- Safety Element Policy S-3.1 (mitigation of known hazards)

Unresolved fire-safety deficiencies prevent this finding.

6. Finding That Future Mitigation Is Not Required to Justify Present Approval

CEQA and case law prohibit reliance on **future mitigation** to justify approval.

The City must find that:

- All fire-safety issues are resolved **now**, not deferred
- The Final Fire Protection Plan is complete and approved
- No essential analysis (evacuation, water-supply reliability) is outstanding

SCCFD's requirement for a future Final Fire Protection Plan prevents this finding.

7. Finding That Public Safety Is Not Compromised

The City must find that granting the exception does not:

- Increase wildfire risk
- Reduce evacuation capacity
- Impair emergency response
- Increase risk to residents or first responders

Given the site's VHFHSZ location, this finding requires robust evidence.

CONCLUSION

Unless the applicant provides:

- Full financial disclosure
- Complete fire-safety documentation
- A Final Fire Protection Plan
- Evacuation and water-supply analyses

The City **cannot legally adopt the findings required** to grant a PRC 4290 exception.

If the City cannot make these findings, it must:

- Deny the exception, or
- Require full compliance with PRC 4290 and all applicable fire-safety standards.

Legal Memorandum

To: Cupertino City Council

From: Mark W. Fantozzi, PE

Re: Legal Analysis Incorporating Fire-Flow, Fire-Access, and Water-Supply Deficiencies – SummerHill Homes Project (TM-2024-009, ASA-2024-015, TR-2024-044), 10857–10887 Linda Vista Drive, Cupertino, CA

Date: March 2026

VIA EMAIL

I. INTRODUCTION

This updated memorandum incorporates the findings of the **Fire Safety Compliance Deficiency Analysis – TM-2024-009**, including the **Fire-Flow Deficiency Log**, **Fire-Access Deficiency Log**, and **Water-Supply Adequacy Matrix**. These technical findings materially strengthen and expand the legal deficiencies previously identified in the Planning Department's staff report.

The combined evidence demonstrates that:

The SummerHill project cannot be approved under State law, the General Plan, or the Subdivision Map Act because it fails to meet minimum fire-flow, fire-access, and water-supply requirements.

The staff report's recommendation is legally indefensible because it:

- Misstates the effect of SB 330 vesting
- Ignores mandatory General Plan Safety Element policies
- Fails to apply AB 747 and AB 1409 evacuation requirements
- Relies on conclusory, unsupported statements from SCCFD
- Provides no substantial evidence of compliance with PRC 4290/4291 or CFC Appendix B/C/D
- Fails to make required Subdivision Map Act findings

The newly documented fire-safety deficiencies confirm that the project presents **unmitigated danger to life and property**, requiring denial or continuation.

II. FACTUAL BACKGROUND

A. Project Context

The project proposes 51 attached townhomes on a constrained hillside parcel accessed solely by **Evulich Court**, a dead-end road adjacent to the Stevens Creek canyon.

B. VHFHSZ Designation

In February 2025, CAL FIRE designated the site as **Very High Fire Hazard Severity Zone (VHFHSZ)**.

C. Evacuation Route Capacity Assessment (2025)

The City's own study identifies:

- Severe bottlenecks
- Limited egress in hillside neighborhoods
- High wildfire vulnerability

D. Staff Report Errors

The staff report incorrectly claims:

"The City does not have any adopted objective standards pertaining to evacuation… As a result, an evacuation study has not been required."

This is contradicted by:

- General Plan Safety Element (2026 Draft)
- AB 747 and AB 1409
- The City's own evacuation study
- State fire-safe regulations

E. New Evidence: Fire Safety Compliance Deficiency Analysis

The combined logs and matrix document:

- **17 fire-flow deficiencies**
- **9 fire-access deficiencies**
- **17 water-supply deficiencies**

These deficiencies are structural, systemic, and uncorrected.

EXHIBIT 1 — FIRE FLOW DEFICIENCY LOG (17 ITEMS)

#	Deficiency	Description
1	No Fire Flow Analysis	No fire-flow calculations provided for the 51-unit development.

2	No Hydrant Flow Test	No hydrant flow test submitted for any hydrant serving Evulich Court or Linda Vista Dr.
3	No Residual Pressure Verification	No demonstration that minimum residual pressure is met under fire-flow demand.
4	No Static Pressure Data	No baseline static pressure provided for any hydrant.
5	No Fire Flow Duration Analysis	No demonstration of required duration (2–4 hours depending on demand).
6	No Cumulative Demand Modeling	No modeling of simultaneous domestic + fire-flow demand.
7	No Peak-Hour Demand Modeling	No analysis of peak-hour system stress.
8	No Emergency Demand Modeling	No modeling of wildfire-event demand conditions.
9	No Water Main Capacity Analysis	No hydraulic modeling of the Evulich/Linda Vista water main.
10	No Hydrant Spacing Plan	No hydrant spacing diagram or compliance verification.
11	No Hydrant Placement Plan	No hydrant placement plan for interior roads.
12	No Secondary Hydrant Source	No demonstration of redundant water supply.
13	No WUI-Specific Fire Flow Analysis	No analysis tailored to VHFHSZ conditions.
14	No Pressure Zone Verification	No confirmation of pressure zone adequacy.
15	No Fire Flow Certification	No certification from water purveyor.
16	No System Reliability Analysis	No analysis of system reliability under wildfire conditions.
17	No Compliance Statement	No evidence of compliance with CFC Appendix B or PRC 4290.

EXHIBIT 2 — FIRE ACCESS DEFICIENCY LOG (9 ITEMS)

#	Deficiency	Description
1	Excessive Dead-End Length	Evulich Court exceeds maximum dead-end length allowed in VHFHSZ.
2	No Secondary Access	No secondary access provided despite hillside/VHFHSZ designation.
3	No Turnaround Analysis	No compliant turnaround (hammerhead or cul-de-sac) demonstrated.
4	No Turning Radius Analysis	No AutoTURN or equivalent analysis for fire apparatus.
5	No Grade Analysis	No verification that grades meet CFC/PRC limits.

6	No Width Verification	No demonstration that road width meets minimum 20–26 ft requirements.
7	No Vertical Clearance Verification	No confirmation of required 13'6" vertical clearance.
8	No Roadway Structural Analysis	No demonstration that pavement supports 75,000-lb apparatus.
9	No Access Reliability Analysis	No analysis of wildfire-related access obstruction risks.

EXHIBIT 3 — WATER SUPPLY ADEQUACY MATRIX (17 ITEMS)

#	Required Element	Provided?	Deficiency
1	Static Pressure Data	No	Not provided
2	Residual Pressure Data	No	Not provided
3	Peak-Hour Demand Modeling	No	Not provided
4	Emergency Demand Modeling	No	Not provided
5	Fire Flow Demand Calculation	No	Not provided
6	Water Main Capacity Analysis	No	Not provided
7	Hydrant Flow Test	No	Not provided
8	Hydrant Spacing Analysis	No	Not provided
9	Hydrant Placement Plan	No	Not provided
10	Pressure Zone Verification	No	Not provided
11	System Reliability Analysis	No	Not provided
12	Redundant Water Supply	No	Not provided
13	WUI-Specific Water Supply Analysis	No	Not provided
14	Fire Flow Duration Analysis	No	Not provided
15	Domestic + Fire Flow Modeling	No	Not provided
16	Purveyor Certification	No	Not provided
17	Compliance Statement	No	Not provided

III. ISSUES PRESENTED

1. Does SB 330 vesting exempt the project from updated fire-safety, water-supply, or evacuation requirements? **No.**
2. Do the newly documented fire-flow, fire-access, and water-supply deficiencies prevent approval under State law? **Yes.**
3. Did the City fail to apply mandatory General Plan Safety Element policies? **Yes.**
4. Is the CEQA exemption invalid under Government Code §65913.4(a)(6)? **Yes.**
5. Can the City make Subdivision Map Act findings under §66474? **No.**

IV. APPLICABLE LAW

A. SB 330 (Gov. Code §65589.5; §65941.1)

Vesting applies only to **zoning and design standards**, not:

- Fire-flow
- Water supply
- Fire-access
- VHFHSZ regulations
- Evacuation requirements
- Subdivision Map Act safety findings

B. Public Resources Code §§4290 and 4291

Require:

- Adequate water supply
- Adequate fire-flow
- Secondary access where feasible
- Road width, grade, and turning radii
- Defensible space

C. California Fire Code (CFC) Appendix B, C, D

Require:

- Verified fire-flow
- Hydrant spacing
- Dead-end road limits
- Turnarounds
- Road width and grade
- Water-supply reliability

D. Government Code §65913.4(a)(6)

A CEQA-exempt project in a VHFHSZ must **demonstrate compliance** with:

- PRC 4290
- PRC 4291
- CBC Chapter 7A
- Local fire-safe regulations

E. AB 747 (2019) and AB 1409 (2021)

Require:

- Evacuation route identification
- Capacity analysis
- Bottleneck identification
- Evacuation locations

F. Subdivision Map Act (Gov. Code §66474)

Requires denial if:

- The site is physically unsuitable
- The subdivision creates danger to life or property
- The subdivision is inconsistent with the General Plan

V. ANALYSIS

A. SB 330 Does Not Exempt the Project From Fire-Safety Requirements

SB 330 does **not** freeze:

- Fire-flow requirements
- Water-supply requirements
- Fire-access requirements
- VHFHSZ regulations

These are **police-power safety regulations**, which cannot be vested.

B. Newly Documented Fire-Flow, Fire-Access, and Water-Supply Deficiencies Require Denial

1. Fire-Flow Deficiencies (17 total)

The project lacks:

- Any fire-flow analysis
- Any hydrant flow test
- Any residual pressure verification
- Any fire-flow duration analysis
- Any modeling of cumulative demand
- Any hydrant spacing plan

Conclusion: The project fails CFC Appendix B and PRC 4290.

2. Fire-Access Deficiencies (9 total)

The project:

- Exceeds maximum dead-end length
- Has no secondary access
- Has no turning-radius analysis
- Has no compliant turnaround

- Has no grade analysis
- Has no width verification

Conclusion: The project fails CFC Appendix D and PRC 4290.

3. Water-Supply Deficiencies (17 total)

The project lacks:

- Static pressure data
- Residual pressure data
- Peak-hour demand modeling
- Emergency demand modeling
- Water main capacity analysis
- Hydrant spacing and placement analysis
- WUI-specific water-supply analysis

Conclusion: The project fails CFC §507 and PRC 4290.

C. The Staff Report's Safety Findings Are Unsupported

The staff report provides **no substantial evidence** of:

- Adequate fire-flow
- Adequate water supply
- Adequate fire-access
- Evacuation capacity
- Secondary access feasibility

The Fire Department's "consistency" letter is **conclusory** and unsupported.

D. The CEQA Exemption Is Invalid

Government Code §65913.4(a)(6) requires **demonstrated compliance** with:

- PRC 4290
- PRC 4291
- CBC Chapter 7A

The City provided **no evidence** of compliance.

E. Subdivision Map Act Findings Cannot Be Made

Under §66474, the City must deny the map if:

- The site is physically unsuitable

- The subdivision creates danger to life or property
- The subdivision is inconsistent with the General Plan

Given the documented deficiencies, these findings **cannot** be made.

VI. CONCLUSION

The newly documented fire-flow, fire-access, and water-supply deficiencies confirm that the SummerHill project:

- Fails to meet minimum State fire-safety requirements
- Fails to meet General Plan Safety Element policies
- Fails to meet Subdivision Map Act safety findings
- Fails to qualify for a CEQA exemption under §65913.4(a)(6)

The project cannot be approved.

The City Council must:

1. **Deny the project**, or
2. **Continue the hearing** and require:
    - Full fire-flow and hydraulic modeling
    - Fire-access and secondary access analysis
    - Water-supply adequacy analysis
    - Evacuation capacity analysis
    - Updated General Plan consistency review

E&O FINDINGS – Biological Report

Project: TM-2024-009 (Linda Vista Townhomes)

Location: 10857–10887 Linda Vista Drive, Cupertino, CA

Prepared for: Cupertino City Council

Prepared by: Mark W. Fantozzi

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1) Summary of Key Issues Identified (High-Level)

Finding	Severity	Description
BIO-01	**High**	Report **does not analyze red-tailed hawk (Buteo jamaicensis)** despite being an abundant local breeding raptor protected under MBTA & CDFW §3503.5 (raptor protection).
BIO-02	**High**	Report assumes raptor habitat on site is "developed" and insignificant but **does not assess large trees for raptor nesting**; only mentions white-tailed kite. [8 – Biolog...cal Report | PDF]
BIO-03	**High**	Report omits analysis of **bird hazards created by high-density development**: reflectivity, glass collisions, artificial lighting, and pet predation—issues recognized in urban CEQA biology reviews.
BIO-04	**Medium**	Report claims wildlife movement impacts are minimal, but **does not analyze aerial predator movement** (raptors, owls, crows) over the site despite adjacent open-space/golf course matrix. [8 – Biolog...cal Report | PDF]
BIO-05	**Medium**	Report cites Cupertino General Plan Policy **ES-5**, **ES-5.1**, **ES-5.2**, **ES-5.3**, etc., but **does not evaluate how 51 townhomes increase urban pressure on wildlife**, nor propose mitigation. [8 – Biolog...cal Report | PDF]
BIO-06	**Medium**	Report overlooks cumulative impacts on **raptor foraging habitat**: turf, ruderal grassland, gopher populations, and adjacent creek corridor.
BIO-07	**Medium**	Bat analysis acknowledges possible roosting, but **no acoustic surveys** conducted—common CEQA expectation for sites with old structures. [8 – Biolog...cal Report | PDF]
BIO-08	**Low**	No tree inventory (oak, cedar, maple, sycamore) was done; report defers this to future arborist work. Tree canopy = habitat. [8 – Biolog...cal Report | PDF]

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2) Detailed E&O Findings

BIO-01 – Omission of Red-Tailed Hawk Assessment (High)

Issue

The Biological Report **never evaluates red-tailed hawk**, even though:

- It is **one of the most common nesting raptors in Cupertino**, including suburban neighborhoods and golf course edges.
- Adjacent habitats (grassland patches, golf course open space, tall trees) provide **ideal foraging and nesting substrates**.
- Report explicitly addresses only white-tailed kite as a possible on-site raptor. [8 – Biolog...cal Report | PDF]

Why This Is an E&O

- Under **California Fish & Game Code §3503.5**, **all raptors and their nests** are protected.
- Excluding a common protected raptor species is a **CEQA deficiency** because CEQA requires evaluation of *all* protected wildlife species potentially affected.

Required Corrective Action

- Add specific species-level analysis for **red-tailed hawk**, including:
  - Nesting habitat survey of all large trees (onsite & within 500 ft).
  - Foraging habitat impact analysis, especially loss of ruderal grassland and prey base (gophers).
  - Construction buffer recommendations (typically **500 ft for active hawk nests**).

BIO-02 – Raptor Habitat Minimization Without Evidence (High)

The report asserts the site "does not contain regionally important habitat for the white-tailed kite."
But: [8 – Biolog...cal Report | PDF]

- The site includes **large trees**, open urban edge, prey sign (gophers noted in Report).
- Adjacent landscapes (golf course, grassland edge) substantially increase local habitat value.
- No tree height/canopy survey or raptor perch/nest survey was documented.

Why This Is an E&O

Raptor habitat evaluation must include **tree suitability**, **prey availability**, and **adjacent matrix context**—all absent.

Corrective Action

- Conduct **formal raptor nesting tree assessment** before CEQA clearance.
- Prepare a **Raptor Habitat Suitability Memo** suitable for City review.

BIO-03 – Missing Analysis: Bird Hazards from Dense Development (Glass, Lighting, Pets) (High)

The Biological Report **does not address**:

- Glass collision hazards (especially townhomes with large windows).
- Light pollution impacts on nocturnal birds and migrating species.
- Artificial night lighting conflicts with General Plan ES Policies.
- Outdoor cat predation pressure (scientifically known major urban biodiversity impact).
- Vegetation-attractant features that could draw prey species into hazardous zones.

Why This Is an E&O

Cupertino General Plan **ES-5 (Protect urban ecosystem)** explicitly requires developments to reduce harm to wildlife. [8 – Biolog...cal Report | PDF]

CEQA requires evaluation of *project-generated hazards*, not just baseline habitat.

Corrective Action

Add **Urban Bird Hazard Mitigation Plan**, including:

- Bird-safe window treatments (ceramic fritting, patterned glass).
- Down-shielded lighting.
- Seasonal lighting restrictions during migration.
- Native, bird-safe landscaping choices.
- Outdoor cat containment measures (indoor pet policy / HOA restrictions).

BIO-04 – Incomplete Wildlife Movement Analysis (Medium)

The report states wildlife movement is minimal because the site is developed.
But it **does not consider aerial wildlife**, such as: [8 – Biolog...cal Report | PDF]

- Red-tailed hawk
- Cooper's hawk
- Great horned owl
- White-tailed kite
- Crows, ravens, turkey vultures

These species routinely move between **Stevens Creek**, the **golf course**, **residential backyard trees**, and **open areas**.

Corrective Action

- Add **Aerial Wildlife Movement Assessment** showing how the new 2–3-story buildings alter vertical flight paths and edge habitat.

BIO-05 – Partial Compliance with General Plan Biological Policies (Medium)

The report quotes Cupertino General Plan ES policies…
…but **does not evaluate consistency** with them in analysis.

Example:

- **ES-5.1.1 requires landscaping that enhances the urban ecosystem**.
  The report does not include a landscaping review or recommendations.
- **ES-5.2 requires clustering away from sensitive habitat**, yet no analysis is made of clustering options.
- **ES-5.6 requires creation of wildlife linkages**; none are evaluated.

Corrective Action

Provide a **General Plan Consistency Matrix** for all ES-policies.

BIO-06 – Cumulative Foraging Habitat Impact Not Addressed (Medium)

Raptors forage in:

- Ruderal grassland on site.
- Golf course open areas.
- Adjacent tree-lined backyards.

The conversion of all remaining open patches into high-density homes removes:

- Perch locations
- Foraging zones

- Gopher and rodent habitat (documented onsite by the Report). [8 – Biolog...cal Report | PDF]

Yet foraging loss is not analyzed.

Corrective Action

Provide **Raptor Foraging Habitat Loss Evaluation** with acreage calculations and mitigation measures.

BIO-07 – No Acoustic Surveys for Bats (Medium)

The report acknowledges possible roosting for big-eared and pallid bats.
Structures are suitable for roosting.
Yet **no acoustic or evening emergence surveys** were conducted.

This is a CEQA expectation when older structures are present.

Corrective Action

Conduct:

1. **Two-night acoustic bat survey** (AnaBat or equivalent).
2. **Dusk emergence survey** for maternity roost determination.

BIO-08 – No Tree Inventory Provided (Low)

The report states the project *should* have an arborist identify which trees are protected.
But:

- Tree species list is incomplete.
- Tree sizes are not documented.
- Tree health is unassessed.

Given trees = habitat, this omission cascades into raptor and migratory bird habitat omissions.

Corrective Action

- Add full **arborist report** with DBH, species, condition, wildlife use, mitigation measures.

3) Corrective Action Tracker (For Integration Into TM-2024-009 Workbook)

ID	Issue	Recommended Action	Responsible Party	Due Date
BIO-01	Missing red-tailed hawk analysis	Add species analysis (nesting/foraging) & construction buffers	Environmental Consultant	3/20/2026
BIO-02	Missing raptor habitat evaluation	Conduct tree survey + raptor habitat memo	Environmental Consultant + Arborist	3/20/2026
BIO-03	Bird hazards from dense development	Add Bird-Safe Design & Lighting Plan	Architect + Biologist	3/20/2026
BIO-04	Missing aerial wildlife movement analysis	Provide aerial corridor impact discussion	Environmental Consultant	3/20/2026
BIO-05	Missing General Plan consistency assessment	Add ES policy consistency matrix	Planning Consultant	3/20/2026
BIO-06	Missing cumulative foraging impact evaluation	Quantify foraging loss; add mitigation	Environmental Consultant	3/20/2026
BIO-07	No bat acoustic surveys	Conduct acoustic + emergence surveys	Bat Biologist	Prior to demo; 4/2026
BIO-08	No tree inventory			

Formal ESA E&O Finding

Project: TM-2024-009 (Linda Vista Townhomes)

Location: 10857–10887 Linda Vista Drive, Cupertino, CA

Prepared for: Cupertino City Council

Prepared by: Mark W. Fantozzi

Title: Incomplete agricultural pesticide analyte coverage (parathion & ziram not evaluated)

Documents referenced:

- **Phase I ESA** identified the property's **historic agricultural use** and treated potential pesticide residue as an **Other Environmental Consideration (OEC)** requiring further consideration. [10 – Phase...Assessment | PDF]
- **Phase II ESA** collected shallow soils (SB-5 to SB-11) for **pesticide analysis** but the laboratory scope was limited to **organochlorine pesticides (OCPs)** via **EPA Method 8081A** (e.g., DDT, DDE, DDD, dieldrin). **Organophosphates (e.g., parathion)** and **dithiocarbamates (e.g., ziram)** were **not included**. Analytical tables and the lab case narrative show **no parathion or ziram analytes** or results.

Why this is an error/omission:
Given the site's **documented historical agricultural use**, Cupertino reviewers typically expect a **comprehensive legacy pesticide screen** that covers **multiple pesticide classes** historically used in orchards and similar uses (not just OCPs). The current Phase II scope **omits** key classes:

- **Organophosphates (OPs):** e.g., **parathion** (commonly used historically), which is **not covered by 8081A**. OPs often require **GC/MS methods specific to OPs** or broader semi-volatile suites (e.g., **EPA 8270 SIM** variants) depending on lab capability. The provided lab work did **not** include OP methods.
- **Dithiocarbamates (DTCs):** e.g., **ziram**, which typically requires **specialized derivatization/HPLC** or **8321B-type** analysis; again **not present** in the lab scope.

Risk/Impact:

- Potential **data gap** in the ESA record for **Cupertino entitlement** and **CEQA** review, where agencies look for evidence that **common historic-use pesticide classes** (OCPs, OPs, and DTCs) have been **affirmatively addressed**. [10 – Phase...Assessment | PDF]
- If soils with previously untested OP/DTC residues exist, this could affect **soil management**, **worker safety**, and **construction-phase** best management practices; the

Phase II conclusion that "no additional investigation is recommended" is **unsupported** for OP/DTC classes.

2) Recommended Corrective Actions

1. **Supplemental Soil Investigation – OP & DTC Pesticides**
   - **Scope:** Collect additional shallow interval composites (e.g., **0.5–1.5 ft bgs**, plus **3–6 in below organic layer if present**) from the previously sampled grid (SB-5 to SB-11 vicinity) and any **former orchard rows/structures** if identifiable. Analyze for **organophosphates** (include **parathion**) and **dithiocarbamates** (include **ziram**) using appropriate **certified methods** (e.g., **8321B for OP/DTC**, or lab-validated OP/DTC suites).
   - **Decision Criteria:** Compare to **SF Bay RWQCB Environmental Screening Levels (ESLs, July 2019 Rev. 2)** under **Residential Direct Exposure**; document detection limits and any J-qualified estimates.
   - **Deliverable: Addendum to Phase II ESA** summarizing methods, tables, ESL comparisons, and conclusions.
2. **Soil Management Note (Interim)**
   - Pending results, include an **interim soil handling note** for plans/specs stating that **if unexpected stained/odorous soils** are encountered, work will follow the **contractor's Health & Safety Plan** and **stop-work & notify** protocol, with expedited lab testing. (This mirrors Phase II limitations and prudent practice.)
3. **Agency Coordination (If Needed)**
   - If any OP/DTC detections **exceed ESLs**, prepare a **Corrective Action Plan** with **removal, blending, or capping** options and consult with the **City** and, if warranted by concentration and extent, the **Santa Clara County DEH/SF Bay RWQCB** for concurrence on closure.

3) E&O Tracker — Pesticide Coverage (Standalone Table)

ID	Finding	Evidence (where found)	Why it matters	Corrective Action	Responsible	Due Date	Status
ENV-01	**Parathion & ziram not analyzed**; Phase II only ran **OCPs (8081A)**	Phase I flags historic ag use (OEC); Phase II analytes & lab packages list OCPs only; no OP/DTC (no parathion/ziram) [10 – Phase...Assessment | PDF]	City/CEQA reviewers expect a complete **legacy pesticide** screen; omission leaves **data gap**; could	Run **supplemental soil testing** for **OPs (incl. parathion)** and **DTCs (incl. ziram)** using appropriate certified methods	**Environmental Consultant** (AEI or approved equivalent)	**H** (target **Mar 20, 2026** for lab report; sampling by **Mar 6, 2026**)	Open

			delay entitlements	(e.g., **8321B** or lab-validated equivalents); compare to **2019 SF Bay RWQCB ESLs**; issue **Phase II Addendum** with conclusions.			
ENV-02	**Conclusions over-generalized** ("no additional investigation recommended") despite untested pesticide classes	Phase II Summary/Conclusions section recommends no further work; but OP/DTC classes untested	Could be read as "case closed" and later conflict with City comments, causing re-work	**Qualify** the conclusion in an **Addendum**; state that OP/DTC results have been added; revise conclusion accordingly.	Environmental Consultant	**M** (with ENV-01 addendum)	Open
ENV-03	**Interim soil handling note** not stated for potential unexpected conditions	Phase II limitations acknowledge uncertainty; no interim field note provided for construction docs	Improves **contractor awareness** and **risk management** prior to addendum	Insert **interim soil handling note** in **Specs/Plan General Notes** (stop-work, characterization, HASP) until addendum resolves.	Civil/CM + Environmental Consultant	**M** (**Mar 6, 2026**)	Open

Severity key: H=High (blocks approval), M=Medium (comment risk), L=Low (editorial)

Errors & Omissions Register — Final Transportation Study (Hexagon, dated Dec 15, 2025)

Project: TM-2024-009 (Linda Vista Townhomes)

Location: 10857–10887 Linda Vista Drive, Cupertino, CA

Prepared for: Cupertino City Council

Prepared by: Mark W. Fantozzi

VIA EMAIL

Key:
Severity = H (High: may affect approval/conditions), M (Medium: likely comment/condition), L (Low: editorial/clarification)

#	Category	Finding (what's wrong or missing)	Where in Study	Why it matters	Recommended action	Severity
1	**Project identification**	**Address range mismatch.** Study title and narrative analyze **"10857 Linda Vista Drive"** only; application and notice reference **10857–10887** (4 parcels). Confirm parcel coverage, frontage, and the new public street footprint. [15 – Final...tion Study | PDF]	Cover memo & throughout ("10857 Linda Vista Drive") [15 – Final...tion Study | PDF]	If legal description or frontage differs, traffic assignment, sight distance, parking frontage counts, and conditions can change; can trigger resubmittal.	Align the report header, site plan figures, and legal parcel list to the TM; add APNs and full address range; revise figures accordingly.	H
2	**Methodology scope**	**Off-site study area potentially incomplete.** Only 3 unsignalized intersections were analyzed (Linda	Study Intersections list; Trip Distribution/Assignment (notes about	If 6–7 peak-hour trips shift to other streets, localized delay/safety at	Add a sensitivity check including **Linda Vista/Columbus** and **Linda Vista/Terrace**	M

		Vista/Hyannisport; Fort Baker/Hyannisport; Bubb/Hyannisport). The text itself notes some site traffic may choose **Columbus Ave or Terrace Dr**, yet those intersections are not evaluated. [15 – Final...tion Study | PDF]	Columbus/Terrace) [15 – Final...tion Study | PDF]	**Linda Vista/Columbus** or **Linda Vista/Terrace** may be underestimated; neighbors often comment here.	(AM/PM). If negligible, document; if not, include mitigations.	
3	**Trip distribution assumption**	**All Bubb-bound traffic assigned to Hyannisport as a "worst case."** That's conservative for school area, but may **understate** impacts on Columbus/Terrace since those links weren't tested. [15 – Final...tion Study | PDF]	Trip Distribution/Assignment; Figures 4–5 [15 – Final...tion Study | PDF]	Can bias impact location (school frontages vs. cut-through streets); City may ask for a scenario that reflects likely splits.	Add a second assignment using proportional split to Hyannisport/Columbus/Terrace based on observed turning shares; compare LOS/queues.	M
4	**Parking code compliance**	**Minimum parking ratio appears mis-cited.** Study says **"one (1) space per townhome"** (Table 19.124.040(A)), but Cupertino's code table lists **"Small Lot Single-Family, Townhouse (P)" = 2.8/DU (2 garage + 0.8 open)** and **R-3 High Density**	Parking section (pp. 17–18); asserts 1 space/DU; code table contradicts. [15 – Final...tion Study | PDF], [§ 19.124.0...t Parking.]	If the higher ratios apply (depending on zoning overlay), the plan may **under-provide open/guest spaces** (report shows 10 on-street along Evulich Court). Risk of redesign or conditions.	Confirm the applicable **zoning line** for "Townhome Combining District" (R-3 vs P). If R-3 applies, provide **1 open space/DU** (guest) on-site or on-street; if P applies, target **0.8 open/DU**. Update parking tables and striping/layout. [§ 19.124.0...t Parking.]	H

		= **2.0/DU (1 covered + 1 open)**; the report's claimed 1.0/DU minimum conflicts with the table. [15 – Final...tion Study | PDF], [§ 19.124.0...t Parking.]				
5	**Bicycle parking requirements**	Report states **"no bicycle parking requirements for townhomes."** Cupertino code requires **bicycle parking in multi-family residential developments** (Class I/II as applicable), and table entries show requirements for multi-family and condos; the report position is **at least incomplete** for an R-3 townhome combining district. [15 – Final...tion Study | PDF], [§ 19.124.0...t Parking.]	Parking section; claim of no bike parking requirement; Code §19.124.040(P) says bike parking shall be provided in multi-family. [15 – Final...tion Study | PDF], [§ 19.124.0...t Parking.]	Risk of condition of approval to add secure, accessible long-term bike parking beyond in-garage hooks; can affect common area programming/ cost.	Coordinate with Planning to confirm classification; add **Class I long-term** (e.g., shared room/cages) + **Class II short-term** racks near common areas as required; revise plans and counts. [§ 19.124.0...t Parking.]	M
6	**CEQA/VMT compliance basis**	The study says **"pursuant to AB 130, [project] is not required to conduct a VMT analysis."** AB 130 (2025) created **new CEQA tools** (e.g., infill housing exemption PRC §21080.66 and a **VMT mitigation**	General Plan Consistency & Municipal Code discussion (pp. 12–16) stating "not applicable … pursuant to AB 130." [15 – Final...tion Study | PDF]	A mis-stated legal basis can prompt CEQA challenge or a completeness hold. If using the AB 130 infill exemption, you must affirmatively show each	Clarify CEQA pathway: (a) If **PRC §21080.66** exemption applies, add a compliance memo; (b) If not, provide **VMT screening/analysis** per **Cupertino Transportation Study Guidelines (Jan 2025)**.	H

		fee option), but **does not blanket-exempt** all housing from VMT analysis. If the project asserts the **new infill CEQA exemption**, document compliance with all criteria; otherwise, City code sections on VMT may still apply. [15 – Final...tion Study | PDF], [abag.ca.gov], [coblentzlaw.com], [nossaman.com], [jdsupra.com]		qualifying element; otherwise provide a screening memo or VMT memo per City guidelines.	[abag.ca.gov], [cupertino.gov]	
7	**Guidelines alignment**	Report references Cupertino's **Transportation Analysis Guidelines (Jan 2025)** and states Tier-2 LTA was followed. Ensure **checklist elements** (Table A-7) are fully documented (e.g., loading, curb management near schools, sight distance controls as enforceable measures). [15 – Final...tion Study | PDF], [cupertino.gov]	Scope/Checklist section & Site Access Review	Missing checklist items show up as late comments; enforceable details (signing/striping) reduce risk.	Attach completed **Table A-7** with drawings of **no-parking** zones within sight triangles and any school-area curbside controls. [cupertino.gov]	M
8	**Sight distance &**	Sight-triangle narrative recommends	Sight Distance (p. 19) & Driveway	Without a stamped diagram,	Provide a **scaled sight-triangle exhibit** (per Std	M

	parking control	**prohibiting on-street parking** within corner triangles at Linda Vista/Evulich; however, the plan also shows **8' parking both sides** west of chokers. The study should translate this into an **actual striping/signing layout** and quantify lost spaces. [15 – Final...tion Study | PDF]	Design (pp. 17–19) [15 – Final...tion Study | PDF]	reviewers can't confirm compliance; residents may contest loss of curb spaces if not scoped now.	Detail 7-2) with curb red-curb limits, R-xx signs, and an updated on-street parking count table. [15 – Final...tion Study | PDF]	
9	**Garbage & delivery operations**	Internal drive aisles **B–E lack turnarounds**, so large vehicles must **back in/out**. This is acknowledged for garbage, but the plan lacks an **operational plan** (signage, time windows, enforcement) and **turning path exhibits** for delivery vans/box trucks. [15 – Final...tion Study | PDF]	Garbage Collection (p. 21); On-site circulation (pp. 17–19) [15 – Final...tion Study | PDF]	Backing movements near residential garages can raise safety/visibility issues; reviewers often condition "No Stopping/Loading" or designate staging.	Add **swept-paths** for 30–35' single-unit trucks at each aisle; include a **solid waste & delivery plan** (signed by the hauler), and add **striping/signage** where needed. [15 – Final...tion Study | PDF]	M
10	**School-area operations**	Field notes report **short AM queues** at Hyannisport during drop-off and instances of NB Bubb Rd queue spillback at McClellan. No **School Area**	Field Observations (p. 9) [15 – Final...tion Study | PDF]	School operations are sensitive; lack of mitigation/monitoring invites conditions post-hearing.	Add a **school-hour curbside plan** (T-reg signs, cones, monitoring commitment for first semester of occupancy) and include a	M

		Safety subsection (curb management, time-of-day loading controls, crossing guard dependency) is provided. [15 – Final...tion Study | PDF]			**post-occupancy check-in** trigger.	
11	**Active transportation context**	The report describes **Stevens Creek Trail** as a **"~5-mile"** facility stretching from "southern Cupertino to near the Bay" adjacent to site. In reality, the trail exists in two **disconnected segments** (Mountain View ~5 miles; Cupertino segment ~1–2 miles between **Linda Vista Park–Blackberry Farm**). The wording could be read as implying a continuous corridor at the site. [15 – Final...tion Study | PDF], [traillink.com], [siliconval...ctions.com]	Existing Ped/Bike Facilities (p. 6) [15 – Final...tion Study | PDF]	Overstating connectivity can affect mode split assumptions and General Plan consistency claims.	Rephrase to reflect **disconnected segments** and cite the local **Cupertino segment length & endpoints**; add a context map. [traillink.com], [siliconval...ctions.com]	L
12	**Transit description**	States **no transit within 0.5 mi; closest stop ~1.25 mi**. Provide a map and stop list to substantiate distance to nearest	Existing Transit Services (p. 6) [15 – Final...tion Study | PDF]	Minor, but reviewers often ask for a map source and measured distances.	Add a **VTA stop map** with measured walking distances and routes; if >0.5 mi, leave as-is with exhibit.	L

		VTA stops (e.g., on **McClellan Rd** or **Stevens Creek Blvd**). [15 – Final...tion Study | PDF]				
13	**Vision Zero / LRSP consistency**	The report says Linda Vista Drive is **not on the City's High Injury Network** and that no plan improvements affect the frontage. Provide the **HIN map reference** and cite the adopted **Vision Zero Action Plan (2024)**. [15 – Final...tion Study | PDF], [cupertino.gov], [cupertino.gov]	Plans & Policies (pp. 15–16) [15 – Final...tion Study | PDF]	Adds traceability and avoids plan-consistency back-and-forth.	Insert HIN map excerpt and VZAP adoption reference; keep the conclusion if confirmed. [cupertino.gov], [cupertino.gov]	L
14	**LOS reporting clarity**	LOS tables present **control delay** but do not include **HCM criteria footnotes** in table headers; readers must infer from notes. Minor formatting clarity. [15 – Final...tion Study | PDF]	Tables 2–4 (pp. 7, 12) [15 – Final...tion Study | PDF]	Improves transparency for non-engineer reviewers.	Add HCM criteria bands in the table header row.	L
15	**Typos / presentation**	Multiple typos (e.g., **"Authoirty/Conformance," "Great than"**) and mixed usage (Evulich Court intro appears later). [15 – Final...tion Study | PDF]	Throughout [15 – Final...tion Study | PDF]	Clean presentation reduces friction in staff review.	Proof/QA the PDF; harmonize street naming from the outset.	L

16	**VTA coordination**	"**VTA comments received and addressed**" is asserted without attaching comment letter or response matrix. [15 – Final...tion Study | PDF]	General Plan Consistency table (p. 14) [15 – Final...tion Study | PDF]	Reviewers will ask for the record.	Attach VTA comment email/letter and a response log appendix.	M

Notes on key legal/standards references (for your cover memo)

- **AB 130 (2025) CEQA reforms**: Added **PRC §21080.66** (urban infill housing CEQA exemption) and a **VMT mitigation fee option** program guidance to be issued by July 1, 2026; **not** a general VMT exemption. Use this if the project qualifies; otherwise follow local VMT screening. [abag.ca.gov], [coblentzlaw.com], [nossaman.com], [jdsupra.com]
- **Cupertino Transportation Study Guidelines (Jan 2025)**: Defines Tier 2 LTA content and includes the **Site Access & Circulation Checklist (Table A-7)** the study references — use it to ensure the revised submittal is complete. [cupertino.gov]
- **Cupertino Municipal Code §19.124.040**: Off-street parking table shows **Small Lot Single-Family, Townhouse (P)** = **2.8/DU** and **R-3 High Density Multiple-Family** = **2.0/DU**, plus **bicycle parking shall be provided in multi-family** developments (Class I/II). Coordinate which line applies to **R-3 + Townhome Combining District**. [§ 19.124.0...t Parking.]
- **Stevens Creek Trail factual context**: Disconnected segments (Mountain View ~5 miles; Cupertino **Linda Vista Park–Blackberry Farm ~1–2 miles**). Don't imply continuous facility at the project frontage. [traillink.com], [siliconval...ctions.com]

Quick wins (edits you can request from the consultant this week)

1. **Parking & bike parking clarification (High)**
   – Confirm applicable row in **CMC Table 19.124.040(A)**; update site plan and parking count to meet **open/guest** and **bike parking** duties; add counts to the LTA. [§ 19.124.0...t Parking.]
2. **CEQA/VMT basis (High)**
   – One-pager confirming **AB 130 infill exemption** criteria OR provide a **VMT screening memo** per City guidelines; attach to the study. [abag.ca.gov], [cupertino.gov]

3. **Sensitivity test to Columbus/Terrace (Med)**
   – Add **1–2 intersections** and a proportional distribution scenario; summarize impacts are still < thresholds (or propose minor measures). [15 – Final...tion Study | PDF]
4. **Sight-distance / curb control exhibit (Med)**
   – Red-curb/signing layout and **revised on-street parking tally** on Evulich Court. [15 – Final...tion Study | PDF]
5. **Ops appendix (Med)**
   – **Waste & delivery plan** + additional swept paths for 30–35′ vehicles at aisles B–E. [15 – Final...tion Study | PDF]
6. **Documentation attachments (Low)**
   – VTA comment / response matrix; Vision Zero High Injury Network map excerpt; updated trail description/map. [15 – Final...tion Study | PDF], [cupertino.gov], [traillink.com]

Assumptions & limits

- The findings above are based on your attached **"15 – Final Transportation Study.pdf"** and public sources cited; no plan set beyond the figure excerpts was reviewed. Where local code interpretation matters (e.g., parking table line applicability to **R-3 + Townhome Combining District**), confirm with the **City Planner/Zoning Administrator**. [15 – Final...tion Study | PDF], [§ 19.124.0...t Parking.]

Would you like this as an Excel/Word tracker?

If helpful, I can export this register to **Excel** with filters for discipline/owner and add a **status** and **due date** column for your TM action log. Also, if you have **City staff redlines** or **plan sheets**, send them over and I'll fold those into the next pass.

Sources

Provide your feedback on BizChat

You said:

also Consider City of Cupertino general plan, caltrans safe streets, AASHTO guidelines, MUTCD, pedestrian safety, traffic impact analysis, City of Cupertino parking standards.

Copilot said:

Copilot
Reasoning completed in 6 steps

Absolutely—here's an **expanded Errors & Omissions (E&O) register** for the **Final Transportation Study – 10857–10887 Linda Vista Dr (TM-2024-009)** that now **explicitly considers** the **City of Cupertino General Plan (Mobility Element), Caltrans Complete Streets/Safe System direction, AASHTO "Green Book", MUTCD/CA MUTCD, pedestrian safety best practice, Traffic Impact/LTA guidance, and Cupertino parking standards**. I've kept your earlier items and added standards-based checks, with clear cites right after each statement.

Expanded Errors & Omissions Register (standards-informed)

Key: **H/M/L** = High/Medium/Low severity

#	Category	Finding (what's wrong or missing)	Where in Study	Why it matters	Recommended action	Sev.
1	**Project identification**	**Address range mismatch**—report says "10857 Linda Vista Dr"; application/site encompass **10857–10887** (four lots). [15 – Final...tion Study | PDF]	Cover memo & throughout. [15 – Final...tion Study | PDF]	Legal description/frontage govern geometry, sight triangles, and on-street counts; mislabeling invites resubmittal.	Align title block, APNs, and figures to **full range**.	H
2	**Study area completeness**	**No analysis at Linda Vista/Columbus or Linda Vista/Terrace** despite text acknowledging some trips would use those streets. [15 – Final...tion Study | PDF]	Intersections list; Trip Assignment notes. [15 – Final...tion Study | PDF]	Under-testing can miss localized delay/safety issues. **Cupertino 2025 Guidelines** expect LTA to capture likely influence area and use the **A-7**	Add AM/PM LOS + observations at **Columbus** and **Terrace**; include a proportional assignment case.	M

				checklist. [cupertino.gov]		
3	**Assignment bias**	All Bubb-bound trips pushed to **Hyannisport** "worst case", but **no companion scenario** for likely split. [15 – Final...tion Study | PDF]	Figures 4–5; Trip Assignment. [15 – Final...tion Study | PDF]	Can over-weight school frontage and **under-weight** other locals; the City may ask for a more representative case per **TS Guidelines**. [cupertino.gov]	Add **Base (observed share)** scenario; compare LOS/queues and document any negligible delta.	M
4	**Parking code**	**Minimums mis-stated.** Report claims **1.0 space per townhome**, but **CMC §19.124.040(A)** shows **Townhouse (P) = 2.8/DU (2 garage + 0.8 open)**; **R-3 = 2.0/DU (1 covered + 1 open)**. Classification must be confirmed for the **Townhome Combining District**. [§ 19.124.0...t Parking.]	Parking section (pp. 17–18). [15 – Final...tion Study | PDF]	Under-provision of **open/guest** stalls risks conditions/redesign.	Confirm applicable row; revise plan to provide **open/guest** per code; update supply table & striping. [§ 19.124.0...t Parking.]	H
5	**Bicycle parking**	Report says **no bicycle parking requirement** for townhomes; however **CMC §19.124.040(P)** requires **bike parking in multi-family** developments	Parking section; Bike facilities narrative. [15 – Final...tion Study | PDF]	Consistency with the **General Plan Mobility Policy M-3.8 ("Require public and private bicycle parking")** is	Add **Class I** long-term (e.g., shared room/cages) and **Class II** short-term racks in common spaces; include counts on plans. [§	M

		(Class I/II). For **R-3 Townhome Combining**, provide long-term/short-term accordingly. [§ 19.124.0...t Parking.]		expected. [cupertino.gov]	19.124.0...t Parking.]	
6	**CEQA/VMT basis**	Report states **"pursuant to AB 130, VMT not required."** AB 130 introduced a **new infill exemption** (PRC §21080.66) and a **state VMT mitigation fee option**, but it is **not a blanket VMT waiver**; projects must either qualify for the exemption or follow local screening/analysis per City Guidelines. [abag.ca.gov], [coblentzlaw.com], [nossaman.com]	Code consistency section (pp. 12–16). [15 – Final...tion Study | PDF]	Misstating CEQA posture can trigger completeness holds or challenge.	(a) If using **PRC §21080.66** exemption, add a compliance memo; (b) else provide **VMT screening/memo** per **Cupertino 2025 Guidelines**. [abag.ca.gov], [cupertino.gov]	H
7	**Checklist/documentation**	**Site Access & Circulation Checklist (A-7)** not appended; several items (loading, curb mgmt., sight-distance controls) not shown as **enforceable measures**. [cupertino.gov]	Site Access Review section. [15 – Final...tion Study | PDF]	Missing checklist exhibits generate late comments.	Attach **completed A-7**, with signed/striped controls and curb regulations sheets. [cupertino.gov]	M

8	**Sight distance / curb control**	Recommends **no parking in corner sight triangles** at Linda Vista/Evulich but lacks a **scaled red-curb/sign plan** and a **revised on-street count**. [15 – Final...tion Study | PDF]	Sight Distance (p. 19). [15 – Final...tion Study | PDF]	MUTCD/CA MUTCD require **consistent control devices**; provide exact locations and signs for enforceability. [mutcd-dr.f...wa.dot.gov], [dot.ca.gov]	Add **Std Detail 7-2** sight-triangle exhibit and **R-7/curb markings** per CA MUTCD; re-tally curb spaces. [15 – Final...tion Study | PDF], [dot.ca.gov]	M
9	**School-area treatments**	Field notes mention **AM drop-off queues** and **NB Bubb spillback**; the study lacks a **School Area Safety plan** (temporary curb management, crossing control assumptions). **MUTCD Part 7** addresses **school area control**, and City VZAP prioritizes safe systems. [15 – Final...tion Study | PDF], [mutcd-dr.f...wa.dot.gov], [cupertino.gov]	Field Obs (p. 9). [15 – Final...tion Study | PDF]	Reviewers expect defined **school-hour devices** and monitoring commitments.	Add a **school-hour curb plan** (signs, cones, loading windows) and **post-occupancy monitoring** for 1 school term; coordinate with SVUSD. [mutcd-dr.f...wa.dot.gov]	M
10	**Truck ops & waste**	Aisles **B–E** have **no turnarounds**; trucks must **back in/out**. Lacks a **delivery/solid-waste ops plan** and **swept paths** for 30–35' SUT beyond the cul-de-sac check.	Garbage Collection & On-site Circulation. [15 – Final...tion Study | PDF]	Backing near garages can raise conflict risk; City may condition "No Stopping/Loading" zones.	Add **turning path exhibits** for SUTs at each aisle; include time-window & signage plan.	M

		[15 – Final...tion Study | PDF]				
11	**Ped/bike network accuracy**	Trail description implies a continuous ~5-mile facility by the site; **Stevens Creek Trail** is **two disconnected segments** (Mountain View ~5 mi; Cupertino **Linda Vista Park–Blackberry Farm ~1–2 mi**). [traillink.com], [siliconval...ctions.com]	Existing Ped/Bike Facilities (p. 6). [15 – Final...tion Study | PDF]	Overstating connectivity can over-credit non-auto mode share in narratives.	Correct text + add local segment map and endpoints. [traillink.com], [siliconval...ctions.com]	L
12	**Transit description**	Claims nearest transit stop is **~1.25 mi**; no **map or distance measure** provided. [15 – Final...tion Study | PDF]	Transit Services (p. 6). [15 – Final...tion Study | PDF]	Provide objective backing for completeness.	Add **VTA stop map** with measured walking routes/distances.	L
13	**Vision Zero/HIN mapping**	Asserts site street not on **High Injury Network**, but no **HIN map excerpt** or adoption reference to **Vision Zero Action Plan (2024)**. [cupertino.gov], [cupertino.gov]	Plans & Policies section. [15 – Final...tion Study | PDF]	Tightens plan consistency review.	Insert HIN map excerpt + adoption citation; keep conclusion if confirmed. [cupertino.gov]	L
14	**LOS presentation**	Control-delay LOS tables lack **HCM criteria** row/footnote in header; minor clarity. [15 – Final...tion Study | PDF]	Tables 2–4. [15 – Final...tion Study | PDF]	Improves readability for non-engineers.	Add HCM LOS criteria bands in table headers.	L

15	**Typos/format**	Multiple typos (“Authoirty”, “Great than”) and inconsistent intro for **Evulich Ct**. [15 – Final...tion Study | PDF]	Throughout. [15 – Final...tion Study | PDF]	Avoids avoidable staff comments.	Proof and harmonize street names.	L

Standards-Specific Additions (what else to tune before City review)

1. **Cupertino General Plan – Mobility Element consistency**

- The Mobility Element includes **Policies M-3.2 (connectivity), M-3.3 (ped/bike crossings), M-3.5 (minimize driveways), and M-3.8 (require bicycle parking)**. Where the study claims consistency, **attach policy-by-policy check tables** and show how each improvement (e.g., chokers, crosswalks, sidewalk continuity) satisfies these policies. [cupertino.gov]
- The Element also discusses **Transportation Impact Analysis** expectations; align the LTA scope and mitigation format with the Mobility Element sections on **walkability/bikeability** and **school access**. [cupertino.gov]

2. **Caltrans Safe/Complete Streets direction**

- Caltrans’ **Director’s Policy 37 (DP-37)** requires comfortable, convenient, and connected **Complete Streets** facilities and endorses **design flexibility** to serve users of all ages/abilities—relevant to your **Evulich Ct throat narrowing, chokers, and crossing**. Cite DP-37 and the **2024–25 Complete Streets Action Plan** to ground the use of context-sensitive measures. [dot.ca.gov], [dot.ca.gov]
- **DIB-94 (2024)** provides **contextual design guidance** and encourages **traffic calming and intersection designs** for ped/bike comfort; reference it when justifying narrowed curb-to-curb widths and curb extensions at the new T-intersection. [dot.ca.gov]

3. **AASHTO “Green Book” (GDHS-7) checks**

- Re-affirm **intersection sight distance** and **local residential street** design elements per **AASHTO 2018 (7th ed.)** for a **25 mph** context, and ensure your sight-triangle exhibit states the **assumed design speed**, vegetation control, and parking prohibition limits. (Use the City standard detail for triangles; cite AASHTO as the geometric design basis.) [store.tran...tation.org]

- If you keep the **20-ft aisle widths** and **8-ft parking** both sides west of the chokers, demonstrate **two-way passing** and **parking maneuver envelopes** meet AASHTO local street guidance or City standard detail equivalents. [store.tran...tation.org]

4. **MUTCD / CA MUTCD controls (especially school area & crossings)**

- For any **new crosswalks**, signing/marking must conform to **MUTCD 11th Edition** (Dec 2023), with **Part 7** rules for school areas where applicable; California has now issued **CA MUTCD 2026** (effective Jan 18, 2026) in substantial conformance with the national MUTCD—use its part/section citations on **markings, STOP/YIELD control, and curb extensions** as you finalize sheets. [mutcd-dr.f...wa.dot.gov], [dot.ca.gov]
- Add a **device schedule** (sign codes, line types, colors) tied to MUTCD/CA MUTCD tables for the Evulich/Linda Vista intersection and any **no-parking** extents within sight triangles. [dot.ca.gov]

5. **Pedestrian safety emphasis (Vision Zero / neighborhood context)**

- Link the **proposed chokers** and **narrowed throat** to **Vision Zero's Safe System** approach adopted by the City (2024), and include an **85th percentile speed check** post-construction as part of a **post-occupancy "safety & circulation" verification**. [cupertino.gov], [cupertino.gov]
- Where field notes indicate **short peak-period queues** near schools, add **day-of-week/time-of-day** curb regulations, and where appropriate, school-area legends (per MUTCD Part 7) to reduce mid-block encroachment and improve ped visibility. [15 – Final...tion Study | PDF], [mutcd-dr.f...wa.dot.gov]

6. **Traffic Impact / LTA documentation (City's 2025 Guidelines)**

- Append the **completed A-7 checklist** and ensure the report includes **all** required components (trip gen methodology, assignment rationale, school area assessment, access review, ped/bike/transit, and **mitigation commitments with plan-view exhibits**). [cupertino.gov]

7. **Cupertino Parking Standards (clarity on classification)**

- Confirm whether the project is being processed as **R-3 with Townhome Combining District** or under a **P (Planned)** designation that invokes the **"Townhouse (P) 2.8/DU"** row. Update the report tables accordingly; reconcile with **General Plan Mobility** objectives on right-sizing parking and **bicycle parking (M-3.8)**. [§ 19.124.0...t Parking.], [cupertino.gov]

Short punch-list (what to ask Hexagon to fix now)

1. **Parking & Bike Parking (H)** – Correct **minimums** and provide **on-site open/guest** plus **Class I/II bike parking** counts and plan locations. [§ 19.124.0...t Parking.]
2. **CEQA/VMT (H)** – Provide either **AB 130 PRC §21080.66** exemption memo or a **VMT screening/analysis** per **City 2025 Guidelines**. [abag.ca.gov], [cupertino.gov]
3. **Add Columbus/Terrace sensitivity (M)** – LOS/queue checks + narrative. [15 – Final...tion Study | PDF]
4. **Sight-triangle package (M)** – Scaled **red-curb/signing** plan (**CA MUTCD** device schedule) and **revised on-street counts**. [dot.ca.gov]
5. **School-area ops (M)** – MUTCD Part 7-aligned curb management, temporary controls, and a **post-occupancy monitoring** commitment. [mutcd-dr.f...wa.dot.gov]
6. **Truck ops appendix (M)** – Swept paths for **30–35′ SUT** at each aisle + **hauler letter** and delivery windows. [15 – Final...tion Study | PDF]
7. **Policy consistency tie-outs (L/M)** – One-page matrix to **Mobility Element policies** (esp. **M-3.2, M-3.3, M-3.5, M-3.8**), **DP-37/DIB-94** references for context-sensitive design. [cupertino.gov], [dot.ca.gov], [dot.ca.gov]

Citations / References used in this E&O

- **Final Transportation Study PDF** (attached): basis for all page/figure references. [15 – Final...tion Study | PDF]
- **Cupertino Transportation Study Guidelines (Jan 2025)**—Tiering, LTA content, A-7 checklist. [cupertino.gov]
- **Cupertino Municipal Code §19.124.040 (Parking & Bicycle Parking)**—ratios, bike parking classes. [§ 19.124.0...t Parking.]
- **Cupertino General Plan – Mobility Element (Policies including M-3.8)**. [cupertino.gov]
- **Caltrans DP-37 Complete Streets**; **DIB-94 Contextual Design**; **2024–25 Complete Streets Action Plan**. [dot.ca.gov], [dot.ca.gov], [dot.ca.gov]
- **MUTCD 11th Ed. (Dec 2023)**; **CA MUTCD 2026 (effective Jan 18, 2026)**—devices, Part 7 school areas, markings. [mutcd-dr.f...wa.dot.gov], [dot.ca.gov]
- **AASHTO "Green Book" (2018, 7th ed.)**—geometric design & sight distance context. [store.tran...tation.org]
- **Vision Zero Action Plan & HIN (Cupertino)**—policy alignment and safety framing. [cupertino.gov], [cupertino.gov]
- **Stevens Creek Trail factual context**—segment lengths & endpoints. [traillink.com], [siliconval...ctions.com]

From:	Vikram Saxena
To:	City Attorney"s Office; City Clerk
Cc:	Benjamin Fu; City Council; Tina Kapoor
Subject:	Evulich Court: We can have 30 feet VHFHSZ setbacks AND construct 51 townhomes (Written Comments for Marcy 17 Meeting)
Date:	Friday, March 13, 2026 3:13:10 PM
Attachments:	Setback Viability Memo - Linda Vista 26-14876 - March13.pdf Approved AMMR Linda Vista.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 City Clerk:

Please include the following as written communication for the March 17th City Council meeting for Agenda Item 12 (Evulich Court).

Dear Cupertino City Council Members and City Attorney:

CONCLUSION: NO SETBACK WAIVER IS NEEDED TO MEET HOUSING DENSITY

Summary:

- The required 51-unit density can be achieved while honoring the full 30-foot fire-safety setback mandated for Very High Fire Hazard Severity Zones; all Summerhill has to do is size the units to comparable developments.
- **Vida Sunnyvale Phase I** achieved a nearly identical unit count (50 units on 2.76 acres) with **53–65 foot setbacks** to single-family homes by utilizing smaller average unit sizes (1,748 SF livable area).
- **Westport Cupertino**, also used smaller, marketable family-sized units (1,978 SF average livable area), establishing the financial viability of right-sized units that accommodate fire-safety requirements

PDF of this memo and the letter from Summerhill to the Santa Clara County Fire Department requesting a waiver of the 30-foot setbacks are also attached.

Regards
-Vikram

_____

MEMORANDUM

March 13, 2026

TO:	Cupertino City Council
FROM:	Concerned Residents of Linda Vista Drive
RE:	**Provide 30 ft Setbacks Required for VHFHSZ & Build 51 Units: No Setback Waiver Needed**
FILE:	City Council Meeting of March 17, 2026 | File #26-14876 | 10857 Linda Vista Drive

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Executive Summary

SummerHill Homes proposes 51 townhomes at 10857 Linda Vista Drive, a site reclassified as a **Very High Fire Hazard Severity Zone (VHFHSZ)** in March 2025. SummerHill obtained an AMMR to reduce the 30 feet setbacks to **10 feet** on the south and east boundaries; these are the side directly abutting existing single-family homes. The AMMR (filed by Steven Bull, accepted Jan. 6, 2026) says

Justification

*The primary justifications for the reduction of the 30-foot setback requirement to the northern, southern, and western property lines are the **development density requirements** and site constraints due to the **existing public right-of-way** for the cul-de-sac within the site. Subsection (b) of the above listed Code includes Development density requirements and site constraints among the exceptions to the 30' setback requirement.*

In this memorandum we refute both claims and establish that the **30 feet setbacks (fire-safety) and 51 unit density (housing element) can both be satisfied together.**

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March 13, 2026

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In this memorandum we refute both claims and establish that the **30 feet setbacks (fire-safety) and 51 unit density (housing element) can both be satisfied together.**

CLAIM 1: DENSITY "in order to fit the minimum required number of units within the site"

- SummerHill's proposed units average **2,369 livable SF** (excluding the 2-car garage) are significantly oversized relative to comparable, approved projects in the same market served by CUSD
- **Vida Sunnyvale Phase I** (Appendix A): **50 units on 2.76 acres** (vs. SummerHill's 51 units on 2.51 acres): nearly identical density
  - Avg livable area: **1,748 SF per unit: Evulich Ct is 36% larger** than Vida
  - Setbacks to single-family homes: **53–65 feet** (vs. SummerHill's ~10 ft)
  - Heights taper down 1 story from interior to rear: gradual transition to neighbors
  - Approved July 2021, **built and sold**: same South Bay market, conventional financing
- **Westport Cupertino** (Appendix B): **88 townhomes/rowhouses** at Stevens Creek & Mary, Cupertino
  - Avg livable area: **1,978 SF per unit: Evulich Ct is 20% larger** than Westport
  - Family-sized units with 2-car garages: proven marketable product
  - Approved by **Cupertino's own City Council** (Aug. 2020); same city, same market

CLAIM 2: EVULICH COURT RIGHT-OF-WAY "The site is constrained by an existing City right-of-way (Evulich Court)."

- SummerHill **must build internal access roads regardless**; the site plan includes five private streets for vehicle and fire apparatus access
- The new internal road can be **dedicated back to the City** in lieu of the existing Evulich Court right-of-way

- A required infrastructure element **cannot simultaneously be a "site constraint"** justifying reduced wildfire setbacks; this argument is circular (Appendix C)

REDUCING UNIT SIZE FROM MCMANSION TO COMPARABLE MAKES 30 FT SETBACKS FEASIBLE

- At Westport sizes (1,978 SF): total livable drops from 120,829 to 100,878 SF, freeing **~20,000 SF** of building mass
- At Vida sizes (1,748 SF): total livable drops to 89,148 SF, freeing **~31,700 SF** of building mass
- Either reduction substantially eases the physical conflict with the 30-foot PRC 4290 setback while **still delivering the 51 units required by the City's Housing Element**

CONCLUSION: NO SETBACK WAIVER IS NEEDED TO MEET HOUSING DENSITY

The setback waiver is not necessary to meet the housing density required by the City's Housing Element. The required 51 units can be delivered at right-sized livable areas, consistent with comparable projects already approved and built in the same market, while honoring the full 30-foot PRC 4290 setback mandated for Very High Fire Hazard Severity Zones. The only thing preventing compliance is SummerHill's choice to build oversized units, not any site constraint or density requirement.

Side-by-Side Comparison

	SummerHill (Proposed)	Vida Sunnyvale	Westport Cupertino
Location	Linda Vista Dr, Cupertino	E. Fremont Ave, Sunnyvale	Stevens Creek Blvd, Cupertino
Site Area	2.51 acres	2.76 acres	8.1 acres (mixed-use)
Townhome Units	51	50	88
Avg Livable SF (excl. garage)	**2,369**	**1,748**	**1,978**
Avg Garage SF (2-car)	485	458	571

Appendix A: Vida Sunnyvale Phase I, A Built Comparable

Project Overview

Vida Phase I (166–176 E. Fremont Avenue, Sunnyvale; File #21-0715) was approved by the Sunnyvale Planning Commission on July 12, 2021 and has been constructed and almost sold out. It is a 50-unit townhome development on 2.76 acres, a nearly identical site profile to SummerHill's proposed 51 units on 2.51 acres. Both projects target the same South Bay family-housing market served by Cupertino Union School District, an important factor in home pricing.

Setbacks and Height Transition to Single-Family Neighbors

Vida is bordered by single-family neighborhoods on two sides (east toward Bobolink Circle; south toward Avon Terrace/Berwick Way). The project provides setbacks of **53 to 65 feet** from these single-family homes: more than five times what SummerHill proposes on the south property line. Critically, these generous setbacks were achieved without any fire hazard zone requirement.

Building heights taper down one story from the site interior along the rear property line, providing a gradual transition toward the neighboring single-family homes. The residential buildings are set back approximately 74 to 84 feet from adjacent residential properties when measured to the building face (vs. property line). Additional buffers include a 6-foot masonry perimeter wall along the east and south property lines, fast-growing evergreen screening trees, restricted exhaust openings on walls facing residential neighbors, and peripheral lighting capped at 8-foot pole heights.

Setback Comparison

Boundary	Adjacent Use	SummerHill Proposed	Vida Actual
South / East (Rear)	Single-Family Homes	~10 ft (AMMR waiver)	53–65 ft
West (Side)	City Parcel / SF Home	~10 ft (AMMR waiver)	15–28 ft (PL-9 waiver)
North / Front	Street / Commercial	~10–30 ft (varies)	10–29 ft (PL-9 waiver)

*Vida used Density Bonus waivers (PL-9) only on the **front and commercial-facing side**; never on the sides adjacent to single-family homes. SummerHill, by contrast, seeks the setback reduction precisely on the sides where residents live.*

Site and Density Comparison

Site Metric	SummerHill Linda Vista	Vida Sunnyvale Phase I
Net Site Area	2.51 acres	2.76 acres
Total Units	51	50
Density	20.3 du/acre	18.1 du/acre
Stories	3	3–4 (tapered to 3 at rear)
Avg Livable SF (excl. garage)	2,369	1,748
Total Livable SF (excl. garage)	120,829	87,416
Avg Garage SF	485 (447–579)	458 (453–489)

Both projects have comparable acreage (2.51 vs. 2.76 acres), comparable unit counts (51 vs. 50), and comparable densities (20.3 vs. 18.1 du/acre). Both include 2-car garages for every unit

(SummerHill's avg 485 SF vs. Vida's avg 458 SF). The garage deduction is roughly equal, making the livable area comparison apples-to-apples. The decisive difference is unit size: SummerHill averages 2,369 livable SF per unit versus Vida's 1,748, which is **36% larger**; a difference that directly drives the setback conflict.

Vida Unit Mix Detail

Unit Type	Qty	Net Interior SF	Open Space SF	Garage SF	Livable SF*
Unit 1	4	1,365	~114	489	~1,479
Unit 2	10	1,414	~114	462	~1,528
Units 3–4	8	1,430–1,520	~114	454–462	~1,544–1,634
Units 5–6	14	1,619–1,740	~114	453–454	~1,733–1,854
Units 7–8	14	1,901–2,037	~114	461–471	~2,015–2,151
Average / Total	**50**	**1,634 avg**	**~114 avg**	**458 avg**	**1,748 avg**

**Livable SF = Net Interior + Private Open Space (porches/decks), excluding garage. Both projects have comparable 2-car garages (~450–580 SF), so the garage deduction is roughly a wash.*

***Source:** Sunnyvale File #21-0715, Attachment 2 (Project Data Table), Attachment 7 (Project Plans, Sheet A01). Approved July 12, 2021.*

Appendix B: Westport Cupertino, Same Market, Smaller Units

Project Overview

Westport Cupertino (21267 Stevens Creek Boulevard at Mary Avenue) is a mixed-use development approved by the Cupertino City Council on August 18, 2020. The project includes 88 townhomes and rowhouses designed by C2K Architecture for KT Urban, along with senior housing and retail.

Westport matters for this analysis because it is in Cupertino itself: **the same city, the same real estate market, and the same municipal approval process** as SummerHill's proposed project. If family-sized townhomes averaging under 2,000 SF are marketable, financeable, and approvable on Stevens Creek Boulevard, the same is true on Linda Vista Drive.

Unit Data

Component	Units	Total Residential SF	Avg Livable SF*	Avg Garage SF
Townhomes (13 bldgs)	70	139,860	1,998	564
Rowhouses (3 bldgs)	18	34,250	1,903	602
Combined	**88**	**174,110**	**1,978**	**571**

**Livable SF = Total residential area excluding garage/parking. Westport figures from SF YIMBY / planning records: 179,310 SF total built area for townhomes (139,860 residential + 39,450 parking); 45,090 SF for rowhouses (34,250 residential + 10,840 parking).*

All 88 units include 2-car garages. The townhomes average 1,998 livable SF; the rowhouses average 1,903 livable SF. SummerHill's proposed average of 2,369 livable SF is **20% larger** than Westport's combined average of 1,978 livable SF. Notably, Westport was approved without density bonus setback waivers on residential-adjacent boundaries, and without any AMMR for fire hazard setback reduction.

What This Means for SummerHill's Claim

If SummerHill sized its 51 units to the Westport average (1,978 SF livable, excluding garage), the total livable area would drop from 120,829 SF to approximately 100,878 SF: a reduction of 19,951 SF of building mass. Adding garages (~485 SF each), total gross would be approximately 125,613 SF versus the current 145,544 SF. This 20,000 SF reduction in building envelope, distributed across 10 buildings, would substantially narrow building footprints along the south and east boundaries and move significantly toward compliance with the 30-foot PRC 4290 setback.

Even a modest reduction to ~2,100 SF livable per unit (still larger than Westport) would free approximately 13,700 SF of building mass, enough to meaningfully increase setback distances from the current ~10 feet toward the mandated 30 feet on the sides adjacent to single-family homes.

Appendix C: The Evulich Court Right-of-Way Is Not a Valid Justification

In the AMMR application submitted to the Santa Clara County Fire Department, SummerHill's representative Steven Bull states:

"The site is constrained by an existing City right-of-way within the approximate center of the site (Evulich Court). The width of Evulich Court reduces the size of the development area for the project. The size and quantity of the proposed townhomes necessitate a reduction of the 30-foot setback requirement in order to fit the minimum required number of units within the site."

This argument does not withstand scrutiny for a straightforward reason: SummerHill must build internal access roads regardless. The proposed site plan includes five private streets (A Street through E Street), cul-de-sacs, and connecting roadways to provide vehicle access to all ten buildings and to meet CFC D105 fire apparatus access requirements. This internal road network is a design necessity for a 51-unit development on this site, irrespective of the Evulich Court right-of-way.

The existing Evulich Court right-of-way, ceded by the original property owners decades ago, runs through the approximate center of the parcel. SummerHill's own site plan replaces the existing cul-de-sac with a new internal street network. The new road that SummerHill constructs in its place can be dedicated back to the City in lieu of the existing right-of-way. This is a standard mechanism in subdivision development; the Vesting Tentative Map (TM-2024-009) already contemplates the reconfiguration of internal circulation.

The critical point: the existence of a historical City right-of-way cannot be the reason to reduce wildfire setbacks to 10 feet and place neighboring single-family homes at risk. The developer must build access roads for the 51-unit development in any configuration. The road infrastructure is a given; only the setback to neighboring homes is a variable. A site plan with right-sized units, as demonstrated by Vida and Westport, could accommodate both the required road network and full 30-foot PRC 4290 setbacks.

Appendix D: SummerHill Unit Mix Detail (Sheet A08)

Unit Type	Qty	Net Interior SF	Porches/Decks	Livable SF*	Garage SF
Unit 1 (BMR)	10	1,777	~200	~1,977	579
Unit 2	21	2,217	~200	~2,417	469
Unit 3	12	2,317	~200	~2,517	447
Unit 3ALT	8	2,315	~200	~2,515	464
Average / Total	**51**	**2,170 avg**	**~200 avg**	**2,369 avg**	**485 avg**

**Livable SF = Net Interior SF (per A08, measured to outside face of stud) + prorated porches/decks (~200 SF/unit average from project totals of 4,300 SF porches + 5,878 SF decks across 51 units). Excludes garage only.*

***Source:** Exhibit C, Sheet A08 Project Data (September 15, 2025). Staff Report FAR figure of 148,473 SF (136% FAR) includes these areas plus additional common area.*

Market-rate units (Units 2, 3, 3ALT, 41 units) average 2,265 net interior SF, or approximately 2,465 livable SF including porches/decks. Even the BMR units (Unit 1, 10 units) at 1,977 livable SF are larger than the Vida average of 1,748 and comparable to the Westport average of 1,978. This confirms that right-sized units are not only viable but already part of SummerHill's own product offering.

Data Sources

SummerHill Linda Vista: City of Cupertino Staff Report, March 17, 2026 (File #26-14876); Exhibit C, Sheet A08 Project Data (Sept. 15, 2025); Exhibit A, Setback Site Plan (Rev. 12/19/2025); Attachment F, AMMR Approval (Steven Bull / SummerHill Homes, Oct. 28, 2025, Rev. Dec. 19, 2025).

Vida Sunnyvale Phase I: City of Sunnyvale File #21-0715 (Planning Application #2020-7525): Attachment 2 (Project Data Table), Attachment 3 (Recommended Findings), Attachment 7 (Project Plans, Sheet A01). Approved July 12, 2021.

Westport Cupertino: City of Cupertino (File #DP-2018-05, ASA-2018-05, TM-2018-03); Approved by City Council Aug. 18, 2020; EIR certified (CEQA #2019070377). Building data from approved planning documents. 88 townhomes/rowhouses by KT Urban / C2K Architecture.

SANTA CLARA COUNTY FIRE DEPARTMENT
1315 Dell Avenue, Campbell, CA 95008 | (408) 378-4010 | SCCFD.org

APPLICATION FOR USE OF ALTERNATE MATERIALS, METHODS OF CONSTRUCTION, OR MODIFICATION OF CODE

Project Street Address: 10857 Linda Vista Drive

Project City: Cupertino **Building Permit #** _____

Applicant's Name: SummerHill Homes; Attn.: Steven Bull

Applicant's Address: 6101 Bollinger Canyon Road, San Ramon, CA 94583 Suite: 425

Phone Number: (510)410-1188 Email: sbull@shhomes.com

The applicant hereby requests the following:

- [x] Use of Alternate Materials or Method of Construction
- [ ] Modification of Code

Codes Affected:

- [ ] Building Code
- [ ] Fire Code
- [ ] Mechanical Code
- [ ] Electrical Code
- [x] Other: California Code of Regulations, Title 14, Division 1.5, Chapter 7 - Fire Protection, Article 6, Subchapter 2, Article 5

Specific section(s) of the code involved: Section 1276.01 - Building and Parcel Siting and Setbacks, Subsection (a)

Brief description of the request: Request a reduction in the minimum 30' setback to neighboring properties.

Please see the attached narrative for justification of the reduction pursuant to Section 1276.01(b).

The Building and Fire Official must evaluate information that the material(s), method of work, and / or modification is equal to the intent of the code in strength, effect, fire-resistance, durability, safety, etc.

SANTA CLARA COUNTY FIRE DEPARTMENT

1315 Dell Avenue, Campbell, CA 95008 | (408) 378-4010 | SCCFD.org

Please complete the following information as applicable to support your request. Use additional paper if necessary.

1. Quality: See attached documentation
2. Strength: See attached documentation
3. Effectiveness: See attached documentation
4. Fire Resistance: See attached documentation
5. Durability: See attached documentation
6. Safety: See attached documentation

Additional evidence of proof: _____

Applicant Signature: [signature] Date: 1/5/2026

****

The above application has been reviewed and has been:

☒ **ACCEPTED** ☐ **REJECTED**

Signature: [signature]

Fire Official: BRAD FOX #42 (FOR AC ESTRADA) Date: 1/6/26

Building Official: _____ Date: _____

SANTA CLARA COUNTY FIRE DEPARTMENT
1315 Dell Avenue, Campbell, CA 95008 | (408) 378-4010 | SCCFD.org

FIRE PREVENTION PLAN REVIEW COMMENTS

PROJECT INFO:

FIRE DEPT PLAN REVIEW #: 250800

CITY/COUNTY PROJECT #: TM-2024-009 / ASA-2024-015 / TR-2024-044

LOCATION: 10857 Linda Vista Dr

PREPARED BY:

NAME/TITLE: Caleb Flanagan / DFM II

EMAIL: Caleb.flanagan@sccfd.org

DATE: 1/7/26

PROJECT NAME: Multi family

The scope of this project includes the following:
Alternate Means/Methods Application for an exception request to PRC 4290 - Proposed new 10 building 51-unit multi-family residential subdivision.

Plan Status:
The exception request to PRC 4290 methods request is **APPROVED.**

Discussion:
This alternate proposes to mitigate deficiencies to non-conforming 30' setback requirements.

In order to mitigate the noncompliant setbacks, the applicant proposes the following:
-Add sprinkler heads to covered patios in all reduced setback areas.
-Design portions of buildings non meeting setback requirements to stricter fire separation distance requirements in accordance with CRC 302.4.
-Extend non-combustible landscaping 5 feet from buildings.

Comments and Conditions of Approval:
1. A copy of the Alternate Means/Methods application form, with approval signature, and these comments shall be made part of the building permit drawing set, to be routed to Santa Clara County Fire Department for final approval.

This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch. 1, 105.3.6]

SUMMERHILL HOMES

COMMUNITIES OF DISTINCTION

10857 Linda Vista Drive, Cupertino
(Reference City of Cupertino Planning Application File Numbers #TM-2024-009, ASA-2024-015)
Application for Use of Alternate Materials, Methods of Construction, or Modification of Code
October 28, 2025 (*REVISED December 19, 2025*)

Requirement

California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Article 5, Section 1276.01, subsection (a):

"All parcels shall provide a minimum thirty (30) foot setback for all Buildings from all property lines and/or the center of a Road, except as provided for in subsection (b).

Description of Request

Request a reduction of the 30 foot setback from all buildings to the property lines as shown on the attached Exhibit A, which is consistent with the Development Permit plan set submitted to the City of Cupertino as file number TM-2024-009 and ASA-2024-015. In summary, the proposed setbacks to the public roads and property lines are proposed as follows:

1. Setbacks to center of Public Roads (In compliance with requirement)
    a. Evulich Court: Minimum 30 feet
    b. Linda Vista Drive: Minimum 30 feet

2. Setbacks to Property Lines (Request for Reduction)
    a. Northern Property Line: Minimum 10 feet
    b. Southern Property Line: Minimum 10 feet
    c. Western Property Line: Minimum 20 feet

Justification

The primary justifications for the reduction of the 30-foot setback requirement to the northern, southern, and western property lines are the development density requirements and site constraints due to the existing public right-of-way for the cul-de-sac within the site. Subsection (b) of the above listed Code includes Development density requirements and site constraints among the exceptions to the 30' setback requirement.

The City of Cupertino General Plan and Zoning designations for the site are Medium/High Density Residential and Multiple-Family Residential / Townhome Combining District, respectively. The density requirement for the site in accordance with the City of Cupertino General Plan designation is a minimum of 20.01 units per acre and a maximum of 35 units per acre (Reference Cupertino General Plan: Land Use Plan and Appendix A Land Use Definitions). The project site is approximately 2.51 acres, which results in

a minimum unit count requirement of 51 units to achieve the minimum density. The proposed unit count for the project is 51 units, which is the minimum required to comply with the City General Plan and Zoning for the site. The proposed homes will be townhomes in compliance with the Zoning designation. The proposed setbacks exceed the City of Cupertino Zoning standards at the northern, southern, and western boundaries.

The site is constrained by an existing City right-of-way within the approximate center of the site (Evulich Court). The width of Evulich Court reduces the size of the development area for the project. The size and quantity of the proposed townhomes necessitate a reduction of the 30 foot setback requirement in order to fit the minimum required number of units within the site.

Mitigation

In accordance with subsection (b) of Section 1276.01, the project will include the following mitigation measures to mitigate the reduced setback by providing the same practical effect:

1. Non-combustible landscaping material extending five (5) feet horizontally from the furthest existing point of the Building. Please see Exhibits B1 and B2, which are included within the Development Permit Plan set as Sheets L7.1 and L7.2.
2. The Wildfire protective measures in accordance with the California Building Code Chapter 7A as noted on Exhibit C, which is included within the Development Permit Plan set as Sheet A08.
3. An added fire sprinkler head within each of the covered porches and decks that are within 30' of the property line as shown on Exhibit A.
4. Designing to stricter fire separation distance requirements within 30' of the property lines as shown on Exhibit A per Residential Code R302.1 (2) as follows*:
    a. Exterior Wall Elements – Fire resistance rated for 1 hour.
    b. Projections – Fire resistance rated for 1 hour
    c. Penetrations – Comply with Section 302.4

*Please note that we are not proposing modifications to the Openings (Windows) in Walls.

From:	Louis Mirante
To:	Emi Sugiyama; City Council; City Clerk
Subject:	Support for Linda Vista Homes
Date:	Wednesday, March 11, 2026 5:10:05 PM
Attachments:	Outlook-Logo Desc.png Outlook-Text Desc.png Outlook-Logo, icon.png Outlook-Icon Desc.png Outlook-Icon Desc.png Cupertino Linda Vista.pdf

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Dear City of Cupertino,

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 wishes,
Louis

BAYAREA COUNCIL

HISTORIC KLAMATH BAY AREA COUNCIL

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

P. 415.946.8777
www.bayareacouncil.org

Bay Area Council
The Historic Klamath
Pier 9, The Embarcadero
San Francisco, CA 94111

Bay Area Council
PO Box 5135
Berkeley, CA 94705

Bay Area Council
1215 K Street, Suite 2220
Sacramento, CA 95814

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

Thank you for your leadership and consideration.

Sincerely,

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

From:	Vikram Saxena
To:	City Clerk; City Attorney"s Office; Tina Kapoor
Cc:	Liang Chao; Kitty Moore; R "Ray" Wang
Subject:	Fwd: Evulich Court Townhomes, 10857 Linda Vista Drive, Cupertino (TM-2024-009 / ASA-2024-015 / TR-2024-044)
Date:	Tuesday, March 17, 2026 10:55:58 AM
Attachments:	Screenshot 2026-03-10 at 1.40.43 AM.png BioRetentionPads.png SetbackPlan.png BradFoxLetterNovember13.png 16 – Project Site Plan.pdf Exhibit A_SETBACK SITE PLAN_2025-12-19 Revised.pdf

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Dear Cupertino City staff:

Please include the following email chain as a part of the written communication for the March 17th City Council meeting regarding the Evulich Court agenda item.

Sincerely
-Vikram

---------- Forwarded message ---------
From: **Vikram Saxena** <vsaxena@gmail.com>
Date: Tue, Mar 10, 2026 at 2:08 AM
Subject: Re: Evulich Court Townhomes, 10857 Linda Vista Drive, Cupertino (TM-2024-009 / ASA-2024-015 / TR-2024-044)
To: hector.estrada@sccfd.org <hector.estrada@sccfd.org>
Cc: Bui, Martin <Martin.Bui@asm.ca.gov>, David Yan <davidcyan@outlook.com>, Mark Fantozzi <mwfantozzi@tfanco.com>, DerChang Kau <derchang@gmail.com>

Dear Assistant Fire Chief Estrada:

I wanted to follow-up on my previous email.

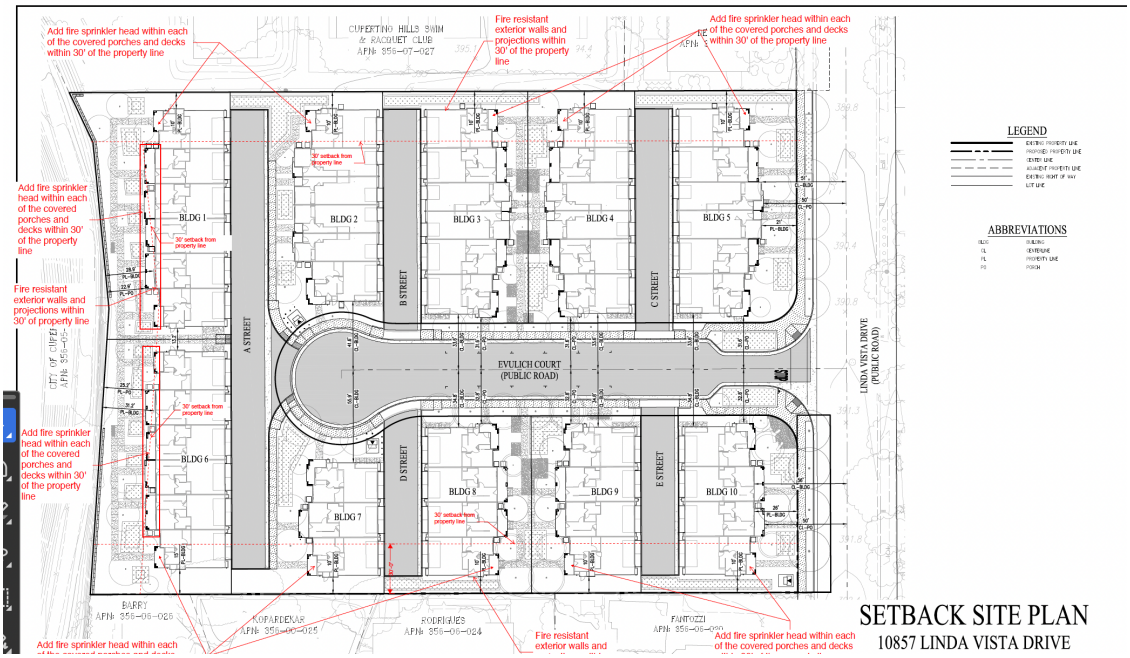
1. Reviewing documents related to the project, we noticed an email from Mr. Brad Fox (attached) stating that the project is a Builder's Remedy project. As we discussed, **this is not a Builder's Remedy Project**. This site was a part of Cupertino's Housing Element. I urge you to ensure that the appropriate fire-safety standards are being applied to this project, especially for any CEQA waivers under AB130 for a home in VHFHSZ.

.2. As clear from the diagrams below, the side of the townhomes facing the single family homes is more than 50' wide and have window openings. The 10-foot setback here is not sufficient for operating ground ladders up to the 30-foot high eaves. Furthermore, the site plan shows that these regions have **bio-retention pads** which do not offer firm surface for the ground ladder to be firmly secured.

For the safety of the firemen, please ensure adequate access is available from the north

or south sides of the buildings. These sides are the longest sides of the perimeter and are perpendicular to the wildland-urban interface.

3. If the developer agrees to reduce the size of the homes by approximately 25% (from 2,700 sq. ft.), they can meet the 30-foot setbacks required by law for VHFHSZ, instead of seeking exemptions (the redlines). We should not be **trading mansions against the safety of firefighters and neighbours.**



Sincerely,
-Vikram Saxena

On Sun, Mar 8, 2026 at 8:38 PM Vikram Saxena <vsaxena@gmail.com> wrote:

> Dear Assistant Chief Estrada,
>
> We met at the State of the City event in Cupertino, on February 26th. The strength & confidence you exuded as an actual firefighter stood out. This background, combined with the trust the fraternity of firefighters places in your leadership, prompted this letter.
>
> I am a former Vice-Chair of the Cupertino Planning Commission. I was a PC member when this parcel at 10857–10887 Linda Vista Drive was added to the Housing Element. I supported housing here.
>
> What I never anticipated was that a developer would disregard R3 setback obligations to neighboring homeowners — and that a Very High Fire Hazard Severity Zone (VHFHSZ) designation would be applied to the parcel after the rezoning, compounding every safety concern.
>
> **KEY ISSUES:**
>
> **Insufficient Firefighter Access and Unnecessary Setback Reduction:** Reducing the setbacks from 30 ft to 10 ft has resulted in a 10-foot clearance which is operationally insufficient for ground ladder operation. SCC FD's own plan review (Comment 7) requires 75° ladder access for 2nd and 3rd floor rescue which necessitates at least 11.5'. The accepted mitigations address fire spread but not firefighter operational access.

Bypassed Evacuation Safety Review: The AMMR approval enabled an AB 130 CEQA exemption, which concealed a severe road capacity crisis. As documented in Cupertino's October 2025 Evacuation Route Capacity Assessment, the primary neighborhood exit, Bubb Road, is already operating at 2.4 times its evacuation capacity — a risk that was never analyzed and is compounded by the evacuation load from three public schools (3500 children)

AMMR Undermines Legal Streamlining Claim: The Alternate Means approval explicitly departs from the existing 30-foot fire safety standard, which, under a correct reading of AB 130, should disqualify the project from ministerial streamlining rather than serving as proof of compliance. Furthermore, the setback reduction was not legally necessary: 51 units are achievable at 1,500–1,800 sf per unit without any waiver. The reduction exists solely to accommodate an oversized 2,700+ sf design, to pad developer profits while shifting fire risk onto residents and first responders.

Details

1. The Approval Carries Your Name

The Alternate Materials, Methods and Construction approval for this project (SCC FD Plan Review #250800 / #251740, January 6, 2026) was signed **"Brad Fox (for AC Estrada)."** That approval reduced the mandatory 30-foot VHFHSZ setback under CCR Title 14 §1276.01(a) to **10 feet on the North and South sides,** directly abutting R1 single-family homes and 20 feet on the West on the WUI.

The accepted mitigations: sprinkler heads on covered patios, 1-hour fire-rated exterior walls, non-combustible landscaping 5 feet from buildings, address fire *spread between structures.*

They say nothing about firefighter *operational access.* The developer's own application explicitly states it **is not proposing modifications to windows,** leaving unprotected openings on the faces where the setback reduction is deepest.

2. The Setback Reduction Was a Design Choice, Not a Density Necessity

The General Plan density requirement for this 2.51-acre site is approximately 51 units: a *count* requirement, not a *size* requirement. The AMMR's own justification states the setback reduction was needed because of **"the size and quantity of the proposed townhomes."** It does not show that 51 units cannot fit with 30-foot setbacks. The proposed units average over **2,700 sf**; even the BMR units exceed **2,500 sf.** Most comparable townhome developments in this region run 1,500–2,000 sf (eg: Vida in Sunnyvale)

At 1,800 sf per unit, the same 51-unit density is achievable on this site with the full 30-foot VHFHSZ setback maintained. The developer chose oversized, high-margin units and passed on the responsibility of fire safety concerns to your department.

Under Gov. Code §65915, a density bonus waiver requires showing the standard *physically precludes* the required density. Smaller units achieve the same density. The waiver fails that test.

3. 10 Feet Setback Is Not Enough For Ground Ladder Operation

The same plan review that approved the reduced setbacks contains **Comment 7**, requiring ground-ladder rescue from second and third-floor rooms at a **75-degree climbing angle.** The geometry does not work in 10 feet:

- **~9 ft** horizontal clearance needed for a 35-ft ladder at 75°
- **~2.5 ft** standing room at the heel for therefighter holding the ladder
- **additional** — any fence or wall at the property boundary reduces clearance further

That is ~11.5 ft minimum before accounting for boundary obstacles, against a 10-ft setback.

4. A Documented Road Capacity Crisis That Was Never Reviewed

The City of Cupertino's **Evacuation Route Capacity Assessment** (October 2025, presented to the Planning Commission on March 9, 2026) found that every major evacuation route from the Fire Hazard Severity Zone already exceeds capacity during a wildfire event:

- **Bubb Road north of Hyannisport Drive: V/C = 2.4:** the primary exit for this neighborhood
- Foothill Blvd: V/C = 4.0, McClellan Road east of Bubb: V/C = 4.2, Stevens Creek Blvd: V/C = 3.6

This analysis was never applied to this project, because of the AB 130 CEQA exemption. This was a result of the SCC FD's AMMR approval. Three public schools Monta Vista High School, John F. Kennedy Middle School, and Lincoln Elementary School add significantly to the evacuation load on these same roads. This is precisely the kind of public safety risk CEQA exists to surface; **and it warrants a pause before this project receives final approval.**

5. The Alternate Means Approval Undermines the AB 130 Claim

AB 130 (PRC §21080.66) excludes VHFHSZ projects from CEQA streamlining unless they adopt *applicable fire hazard mitigation measures pursuant to existing building standards.* The AMMR is an explicit departure from the existing standard: the 30-ft setback. ***A departure from a standard is not compliance with it.***

The AB 130 qualification memo uses the AMMR as proof that fire safety has been addressed. That reasoning is circular: the instrument that departs from the wildfire safety standard cannot simultaneously satisfy the condition requiring compliance with it. The correct reading is that an alternate means approval in a VHFHSZ

disqualifies a project for CEQA exemption under AB130.

6. My Request

As Assistant Chief of Fire Prevention, the safety of the firefighters who respond to this address is your direct responsibility. I am requesting you to verify, operationally — not on plan drawings — that a crew can deploy a 35-ft ladder at 75 degrees on the North and South sides of this site with a person at the base and the property boundary behind them. And I am requesting you to consider whether the AMMR approval, and the CEQA exemption it enabled, should stand given the evacuation capacity data.

The firefighters who respond to Evulich Court will not know the lack of space to safely operate a ground ladder was a density bonus waiver or that the windows were out of scope. They will know what is in front of them. You understand what that means better than anyone else in this process. That is why this letter is addressed to you.

Thank you for your service and your time.

Respectfully,

Vikram Saxena
Former Vice-Chair, Cupertino Planning Commission
vsaxena@gmail.com
408 390 4036

From: Brad Fox <brad.fox@sccfd.org>
Sent: Thursday, November 13, 2025 4:42 PM EST
To: Piu Ghosh (she/her) <PiuG@cupertino.gov>; Sean Hatch, CBO, CASp <SeanH@cupertino.gov>
CC: McKenna, Matt <matthew.mckenna@sccfd.org>
Subject: Fwd: TM-2024-009/ASA-2024-015/TR-2024-044

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Hello Piu and Sean,

We are dealing with a unique situation regarding the referenced project (TM-2024-009/ASA-2024-015/TR-2024-044). The applicant submitted an exception request—similar to an AMMR, but specifically addressing state minimum fire safe regulations—to waive the required 30-foot setback.

Here are the key details of the project:

- This is a Builder's Remedy project.
- At the time the Planning application was deemed complete, the project site was not located within a Very High Fire Hazard Severity Zone (VHFHSZ) and was therefore not subject to the state minimum fire safe regulations (PRC 4290).
- Following the adoption of the new state fire hazard severity zone maps, the parcel is now located within a VHFHSZ.
- The project is currently applying for a Building Permit and has voluntarily submitted an exception request to address the setback requirement triggered by the new designation.

A Building Permit application is generally a qualifying event that triggers PRC 4290 requirements. However, I am unsure if this applies to a Builder's Remedy project.

I have discussed this issue with our legal counsel. The Builder's Remedy language is clear that local ordinances and standards in effect at the time of application are fixed and not subject to future changes. However, the language is silent regarding changes to State requirements. Our legal counsel advised that it is up to the City to determine whether the project should be subjected to new State requirements that took effect after the initial application date.

Could you please bring this topic forward to the City's legal counsel? I am happy to participate in any necessary discussions with our legal counsel, or if the City can provide guidance without our direct input, that would also be acceptable.

Please let me know how you would like to proceed and if you have any questions I can clarify.

Thank you,

Brad Fox, P.E.
Assistant Fire Marshal
Fire Prevention Division
Santa Clara County Fire Department
Office: 408-341-4420 | Direct: 408-341-4493

---------- Forwarded message ---------
From: **Caleb Flanagan** <caleb.flanagan@sccfd.org>
Date: Thu, Oct 23, 2025 at 2:16 PM
Subject: TM-2024-009/ASA-2024-015/TR-2024-044
To: Brad Fox <brad.fox@sccfd.org>
Cc: Matthew McKenna <matthew.mckenna@sccfd.org>

Following up on the meeting,

-The project address is 10857 Linda Vista Dr Cupertino (Image trend PC#250351)
-Planning permit numbers are: TM-2024-009 / ASA-2024-015 / TR-2024-044
-The preliminary submittal date was in July 2024 but the official submittal date is **12/12/24**.
-The project did receive planning approval on 9/10/25.

NOTE:
1. SEE LANDSCAPE PLANS BY OTHERS FOR ALL LANDSCAPE & IRRIGATION DETAILS.
2. SEE LANDSCAPE PLANS FOR ALL WALKWAY SURFACE TYPE M DETAILS.
3. ALL PEDESTRIAN STREET CROSSINGS WILL BE PROVIDED WITH AN ACCESSIBLE CURB RAMP & TRUNCATED DOMES AND WILL BE DETAILED ON THE PROJECTS CONSTRUCTION DRAWINGS.
4. PER PG&E DESIGN REQUIREMENTS 5' OF SEPARATION SHALL BE PROVIDED BETWEEN GAS MAIN AND TREE PLANTING.
5. THE BENCHMARK FOR THIS SURVEY IS SCVWD'S 6CM DIAMETER BRASS DISK (@180); ON TOP OF SOUTHERLY CURB FOR MCCLELLAN ROAD, NEAR A CATCH BASIN; 2.5 FEET NORTH OF THE RAILROAD CROSSING LIGHTS, AND 15 FEET WEST OF THE CENTER OF THE TRACKS. STATION IS ALSO ABOUT 250 FEET EAST FROM BUBB ROAD ALONG MCCLELLAN ROAD, CITY OF CUPERTINO. HAVING A NAVD88 PUBLISHED ELEVATION OF 335.23 FEET.
6. ALL BUILDING HEIGHTS SHOWN ON THE THIS PLAN ARE MEASURED FROM THE NATURAL GRADE.
7. EXISTING NATURAL GRADE ALTERED FOR EXISTING BUILDINGS.

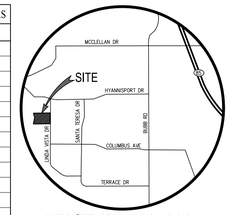
SITE AREA:
SITE AREA: 2.555 AC± (PROPERTY LIMITS)
GROSS LOT AREA: 3.141 AC± (PER CCMC 19.08.030.G)
LOT AREA (NET): 2.506 AC± (PER CCMC 19.08.030.L)

PROPOSED ZONING AND LAND USE:
ZONING: R3/TH – MULTIPLE FAMILY RESIDENTIAL WITH TOWNHOME COMBINING DISTRICT
LAND USE: HIGH/MEDIUM DENSITY RESIDENTIAL

PROPOSED PARCELS GROSS/LOT AREAS		
PARCEL	GROSS[1] SF	NET[2] SF
LOT 1	11,918	11,918
LOT 2	11,304	9,787
LOT 3	11,077	9,271
LOT 4	10,836	9,030
LOT 5	17,798	10,585
LOT 6	12,315	12,315
LOT 7	9,012	7,015
LOT 8	9,152	7,305
LOT 9	8,911	7,063
LOT 10	13,943	7,805
PARCEL A	7,592	6,709
PARCEL B	3,622	2,977
PARCEL C	3,622	2,979
PARCEL D	2,864	2,159
PARCEL E	2,864	2,220
TOTAL	136,830 [1]	109,136 [2]

(1) 19.08.030.G "G" DEFINITIONS
"GROSS LOT AREA" MEANS THE HORIZONTAL AREA INCLUDED WITHIN THE PROPERTY LINES OF A SITE PLUS THE STREET AREA BOUNDED BY THE STREET CENTERLINE UP TO THIRTY FEET DISTANT FROM THE PROPERTY LINE, THE STREET RIGHT-OF-WAY LINE AND THE EXTENDED SIDE YARD TO THE STREET CENTERLINE.

(2) 19.08.030.L "L" DEFINITIONS
"LOT AREA" MEANS THE AREA OF A LOT MEASURED HORIZONTALLY BETWEEN BOUNDARY LOT LINES, BUT EXCLUDING A PORTION OF A FLAG LOT PROVIDING ACCESS TO A STREET AND LYING BETWEEN FRONT LOT LINE AND THE STREET, AND EXCLUDING ANY PORTION OF A LOT WITHIN THE LINES OF ANY NATURAL WATERCOURSE, RIVER, STREAM, CREEK, WATERWAY, CHANNEL, OR FLOOD CONTROL, OR DRAINAGE EASEMENT AND EXCLUDING ANY PORTION OF A LOT ACQUIRED, FOR ACCESS AND STREET RIGHT-OF-WAY PURPOSES, IN FEE, EASEMENT OR OTHERWISE.

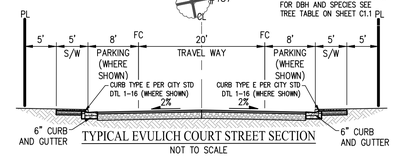


VICINITY MAP
NOT TO SCALE

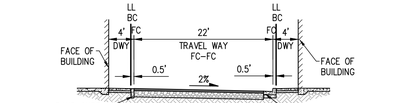
LINE TABLE		
NO	BEARING	LENGTH
L1	N00°10'10"W	20.00'
L2	N89°49'50"E	20.00'
L3	N89°49'17"E	20.00'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	20.00'	90°00'00"	31.42'
C2	40.00'	24°08'49"	16.86'
C3	40.00'	38°02'51"	26.56'
C4	20.00'	90°00'00"	31.42'

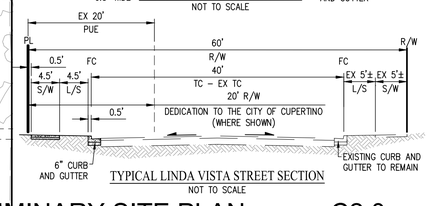
LEGEND
- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- EXISTING LOT LINE
- EXISTING EASEMENT LINE
- CENTER LINE
- ADJACENT PROPERTY LINE
- EXISTING RIGHT OF WAY
- LOT LINE
- PROPOSED EASEMENT LINE
- PROPOSED DEEPENED CURB
- CURB TYPE E PER CITY STD DTL 1–16
- 8"W WATER MAIN
- 8" SS SANITARY SEWER PIPE
- 12" SD STORM DRAIN PIPE
- JT JOINT TRENCH
- ACCESSIBLE PEDESTRIAN PATH
- ASPHALT PAVEMENT
- ADAPTABLE UNITS
- CONCRETE SIDEWALK
- BIO–RETENTION AREA
- RETAINING WALL
- 101 EX & PROPOSED CONTOUR
- CORNER TRIANGLE PER CITY STD DTL 7–2
- SIDEWALK SITE TRIANGLE PER CITY STD DTL 7–6
- #438 EXISTING TREE TO REMAIN. FOR DBH AND SPECIES SEE TREE TABLE ON SHEET C1.1
- #437 EXISTING TREE TO BE REMOVED. FOR DBH AND SPECIES SEE TREE TABLE ON SHEET C1.1 PL



TYPICAL EVULICH COURT STREET SECTION
NOT TO SCALE



TYPICAL A–E STREET SECTION
NOT TO SCALE



TYPICAL LINDA VISTA STREET SECTION
NOT TO SCALE

CUPERTINO HILLS SWIM & RACQUET CLUB
APN: 356-07-027
ZONING: A1-40
LAND USE: CIVIC SUPPORT

DERCHANG
APN: 356-07-036
ZONING: R1-7.5
LAND USE: LOW DENSITY RESIDENTIAL

CITY OF CUPERTINO
APN: 356-05-005
ZONING: FP-0
LAND USE: PARKS & OPEN SPACE

BARRY
APN: 356-06-026
ZONING: R1-7.5
LAND USE: LOW DENSITY RESIDENTIAL

KOPARDEKAR
APN: 356-00-025
ZONING: R1-7.5
LAND USE: LOW DENSITY RESIDENTIAL

RODRIGUES
APN: 356-06-024
ZONING: R1-7.5
LAND USE: LOW DENSITY RESIDENTIAL

FANTOZZI
APN: 356-06-020
ZONING: R1-7.5
LAND USE: LOW DENSITY RESIDENTIAL

EVULICH COURT (PUBLIC ROAD)
A STREET
B STREET
C STREET
D STREET
E STREET
LINDA VISTA DRIVE (PUBLIC ROAD)

BLDG 1 FF 396.5 PAD 395.5
BLDG 2 FF 396.4 PAD 395.4
BLDG 3 FF 396.3 PAD 395.3
BLDG 4 FF 393.6 PAD 392.6
BLDG 5 FF 393.4 PAD 392.4
BLDG 6 FF 397.2 PAD 396.2
BLDG 7 FF 397.3 PAD 396.3
BLDG 8 FF 396.3 PAD 395.3
BLDG 9 FF 393.8 PAD 392.8
BLDG 10 FF 393.5 PAD 392.5

PROPOSED FENCE SEE LANDSCAPE PLANS
PROPOSED STOP SIGN
PROPOSED LOCATION FOR PUBLIC ARTWORK
PROPOSED MAILBOX SEE LANDSCAPE PLANS
STANDARD PARKING 20'X8' (TYP.)
BIO–RETENTION (TYP.)
BIORETENTION (TYP)
ACCESSIBLE CURB RAMP (TYP.)
CURB TYPE E PER CITY STD DETAIL 1–16
MONOLITHIC CONCRETE SIDEWALK PER CITY DETAIL 1–19
24' DRIVEWAY PER CITY DETAIL 1–21
CUL–DE–SAC SIDEWALK IS TO BE PROVIDED WITH A STRUCTURAL SECTION TO SUPPORT THE LOAD OF A 75,000 LB FIRE TRUCK.
CONFORM TO EX CURB & GUTTER
DETACHED CONCRETE SIDEWALK PER CITY DETAIL 1–19
LANDSCAPE AREA
EX 20' IEE TBA
PER BK 1727 PG 390 & BK 2154 PG 394
EX 20' PUE TBA
PER BK 2317 PG 201
DEDICATION TO THE CITY OF CUPERTINO (0.049 AC±)
CROSSWALK
SEE NOTE 7

10857 LINDA VISTA DRIVE
Cupertino, CA
January 12, 2026

PRELIMINARY SITE PLAN C2.0

SCALE 1" = 20'

SUMMERHILL HOMES℠
COMMUNITIES OF DISTINCTION
3000 Executive Parkway, Suite 450 San Ramon, Ca 94583
650-857-0122

cbg CIVIL ENGINEERS SURVEYORS PLANNERS
SAN RAMON • ROSEVILLE

R3 STUDIOS

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com
SDG architects

Add fire sprinkler head within each of the covered porches and decks within 30' of the property line

Fire resistant exterior walls and projections within 30' of the property line

Add fire sprinkler head within each of the covered porches and decks within 30' of the property line

Add fire sprinkler head within each of the covered porches and decks within 30' of the property line

Fire resistant exterior walls and projections within 30' of property line

Add fire sprinkler head within each of the covered porches and decks within 30' of the property line

Add fire sprinkler head within each of the covered porches and decks within 30' of the property line

Fire resistant exterior walls and projections within 30' of property line

Add fire sprinkler head within each of the covered porches and decks within 30' of the property line

CUPERTINO HILLS SWIM & RACQUET CLUB
APN: 356-07-027

CITY OF CUPERTINO
APN: 356-05-

BARRY
APN: 356-06-026

KOPARDEKAR
APN: 356-00-025

RODRIGUES
APN: 356-06-024

FANTOZZI
APN: 356-06-020

BLDG 1
BLDG 2
BLDG 3
BLDG 4
BLDG 5
BLDG 6
BLDG 7
BLDG 8
BLDG 9
BLDG 10

A STREET
B STREET
C STREET
D STREET
E STREET

EVULICH COURT
(PUBLIC ROAD)

LINDA VISTA DRIVE
(PUBLIC ROAD)

30' setback from property line

30' setback from property line

30' setback from property line

30' setback from property line

10' PL-BLDG
15' PL-BLDG
28.9' PL-BLDG
22.9' PL-PO
13.2'
25.2' PL-PO
31.2' PL-BLDG
30'-0"
41.6' CL-BLDG
55.9' CL-BLDG
33.6' CL-BLDG
31.6' CL-PO
34.8' CL-BLDG
32.8' CL-PO
51' CL-BLDG
50' CL-PO
21' PL-BLDG
56' CL-BLDG
26' PL-BLDG

395.1
394.4
389.8
390.4
390.8
391.3
391.8

LEGEND

- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- CENTER LINE
- ADJACENT PROPERTY LINE
- EXISTING RIGHT OF WAY
- LOT LINE

ABBREVIATIONS

BLDG	BUILDING
CL	CENTERLINE
PL	PROPERTY LINE
PO	PORCH

SETBACK SITE PLAN

10857 LINDA VISTA DRIVE

CITY OF CUPERTINO SANTA CLARA COUNTY CALIFORNIA

SCALE: 1" = 20' DATE: SEPTEMBER 15, 2025

0 20 40 60

cbg CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS
SAN RAMON ▪ (925) 866-0322
ROSEVILLE ▪ (916) 788-4456
WWW.CBANDG.COM

H:\3988-000\ACAD\EXHIBITS\XB-033_SETBACK SITE PLAN.DWG

From: Rhoda Fry
To: Public Comments
Cc: City Council
Subject: 3/17/2026 #12 Linda Vista - AB130 Fire Requirements NOT MET! PLEASE READ!
Date: Tuesday, March 17, 2026 10:01:27 AM
Attachments: EVULICH.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 City Council,

AB130 Fire Requirements NOT MET! PLEASE READ!

I understand that we need to consider that fire has provided good information - - - but the information that fire provided was NOT WHAT WAS NEEDED FOR AB130. It is like needing a pancake breakfast and getting ham & eggs. The AMMR provided by fire might have been a good document (like tasty ham & eggs), but that doesn't matter (if you need pancakes).

The consultant failed to obtain the AB130 Requirements!!!
Minimally, PRC 4290, 4291 (or 51182), and CBC7 are required.
This text is from an ABAG checklist:
ABAG: The development site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions: (1) Section 4291 of the Public Resources Code or Section 51182, as applicable; (2) Section 4290 of the Public Resources Code; (3) Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).

Source:
https://abag.ca.gov/sites/default/files/documents/2025-12/Urban-Infill-Housing-Development-CEQA-Exemption-Template-Eligibility-Checklist-12042025.docx

Regards, Rhoda Fry

AB130 Requires: NOT in Earthquake Fault Zone
BUT Project is IN Earthquake Fault Zone

AB130 DOES NOT APPLY TO THIS PROJECT & REQUIRES CEQA

Project is less than 400 feet from Monta Vista Fault per Cupertino Official Map (see ✸)

capable of 7.1M earthquake & thrust fault more dangerous than regular faults &
in area of earthquake-induced slope instability (light blue)

Note – Summerhill justifies claim by footnote #10 showing San Andreas fault that is much further away (page 12, attachment E).
Geotech reports don't use Cupertino map.

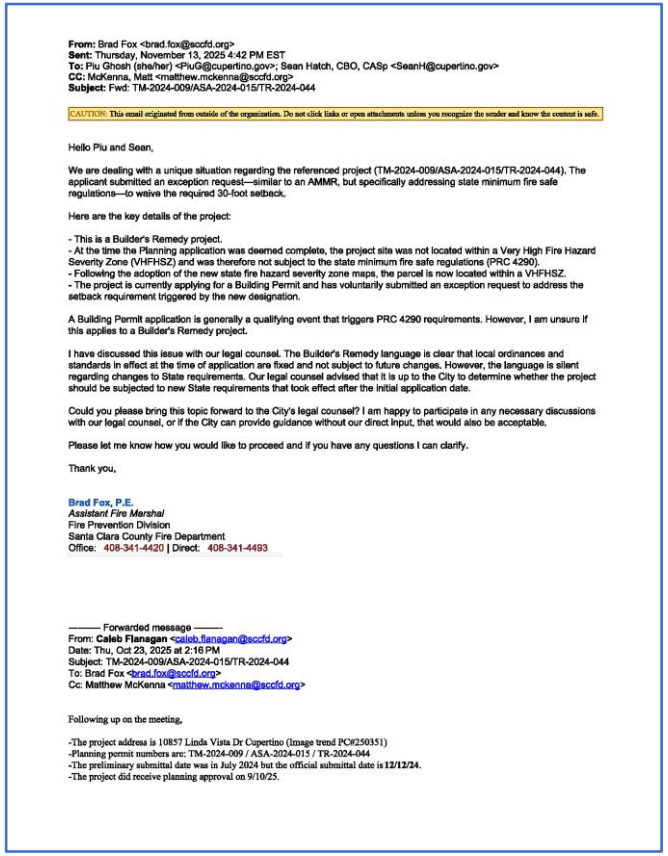
Source: Geologic and Seismic Hazards Map of the City of Cupertino prepared for the City of Cupertino by Cotton, Shires & Associates, Inc.
https://www.cottonshires.com/wp-content/uploads/2013/06/CupertinoHazMap_small.pdf which augments the State Alquist-Priolo Zone.

Source: Monte Vista Fault: https://grokipedia.com/page/monta_vista_fault

CEQA Applies to Project based on Very High Fire Hazard Severity Zone
NO AB130

- **Many jurisdictions automatically reject AB130 based on fire – so should Cupertino. Even Summerhill's own consulting firm, Powers, agrees (per the Planning Commission Academy)!**

- **IF FIRE EXEMPTION IS SELECTED (not recommended) at least 3 items are needed (PRC 4290, 4291, and CBC7) ABAG:** The development site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions: (1) Section 4291 of the Public Resources Code or Section 51182, as applicable; (2) Section 4290 of the Public Resources Code; (3) Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).
- **CONSULTANT FAILED TO OBTAIN AB130 REQUIREMENTS FOR VHFHSZ!!!**
  Fire Department Unaware of AB130 Requirements (per PRAs)
  - assumed Builder Remedy
  - assumed that the only way to build 51 homes was to waive required 30-foot zone (safety zone could be retained by building smaller - not 4-bedroom mansions)
  - does not split out all PRCs such as 4290, 4291, CBC – consider beyond fenceline
  - 10-foot setback with mitigations is NOT equivalent to the required 30-foot setback



From: Brad Fox <brad.fox@sccfd.org>
Sent: Thursday, November 13, 2025 4:42 PM EST
To: Piu Ghosh (she/her) <PiuG@cupertino.gov>; Sean Hatch, CBO, CASp <SeanH@cupertino.gov>
CC: McKenna, Matt <matthew.mckenna@sccfd.org>
Subject: Fwd: TM-2024-009/ASA-2024-015/TR-2024-044

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 Piu and Sean,

We are dealing with a unique situation regarding the referenced project (TM-2024-009/ASA-2024-015/TR-2024-044). The applicant submitted an exception request—similar to an AMMR, but specifically addressing state minimum fire safe regulations—to waive the required 30-foot setback.

Here are the key details of the project:

- This is a Builder's Remedy project.
- At the time the Planning application was deemed complete, the project site was not located within a Very High Fire Hazard Severity Zone (VHFHSZ) and was therefore not subject to the state minimum fire safe regulations (PRC 4290).
- Following the adoption of the new state fire hazard severity zone maps, the parcel is now located within a VHFHSZ.
- The project is currently applying for a Building Permit and has voluntarily submitted an exception request to address the setback requirement triggered by the new designation.

A Building Permit application is generally a qualifying event that triggers PRC 4290 requirements. However, I am unsure if this applies to a Builder's Remedy project.

I have discussed this issue with our legal counsel. The Builder's Remedy language is clear that local ordinances and standards in effect at the time of application are fixed and not subject to future changes. However, the language is silent regarding changes to State requirements. Our legal counsel advised that it is up to the City to determine whether the project should be subjected to new State requirements that took effect after the initial application date.

Could you please bring this topic forward to the City's legal counsel? I am happy to participate in any necessary discussions with our legal counsel, or if the City can provide guidance without our direct input, that would also be acceptable.

Please let me know how you would like to proceed and if you have any questions I can clarify.

Thank you,

Brad Fox, P.E.
Assistant Fire Marshal
Fire Prevention Division
Santa Clara County Fire Department
Office: 408-341-4420 | Direct: 408-341-4493

——— Forwarded message ———
From: **Caleb Flanagan** <caleb.flanagan@sccfd.org>
Date: Thu, Oct 23, 2025 at 2:16 PM
Subject: TM-2024-009/ASA-2024-015/TR-2024-044
To: Brad Fox <brad.fox@sccfd.org>
Cc: Matthew McKenna <matthew.mckenna@sccfd.org>

Following up on the meeting,

-The project address is 10857 Linda Vista Dr Cupertino (Image trend PC#250351)
-Planning permit numbers are: TM-2024-009 / ASA-2024-015 / TR-2024-044
-The preliminary submittal date was in July 2024 but the official submittal date is **12/12/24.**
-The project did receive planning approval on 9/10/25.

PLEASE DON'T TAKE RISKS

Resident Safety MUST BE GUARANTEED

This project is NOT subject to AB130 and is subject to CEQA

Now we'll have more time to create a better project!!!

Summerhill has been willing to modify at Staples, they should for Evulich too.

VOTE NO on RESOLUTION No. 26-029 (ATTACHMENT A)

(f) "The proposed subdivision design and improvements will not cause serious public health."

THIS IS FALSE!!!

- **Design does not allow for fire ladders within 10-ft setback (do the math)**
- **Makes a known evacuation deficiency worse (we just learned that McClellan, the only way out in a fire is at two to four times over capacity & 3200 students within a mile – City has known since October 2025)**
- **Just beyond the rear property line are PG&E wires among the trees. This is really scary and having even more homes nearby adds to the dangerous.**
- **Homes in the area have inadequate water pressure and must use a pump for adequate pressure. Adequate household pressure is needed for fire sprinklers. If the power goes out, residents would have even less pressure to house down their homes in the event of fire. Adding the load of people occupying 200 bedrooms (51 units x 4) to insufficient system will harm the residents who live uphill from the project. Household water pressure is the first defense against fires. FYI: fire hydrants run separately.**
- **Decks within the 30-foot setback create a hazard – even with added fire sprinklers. There is nothing to prevent residents from putting flammable materials on their decks and this could put them, their neighbors, and off-site neighbors at risk.**

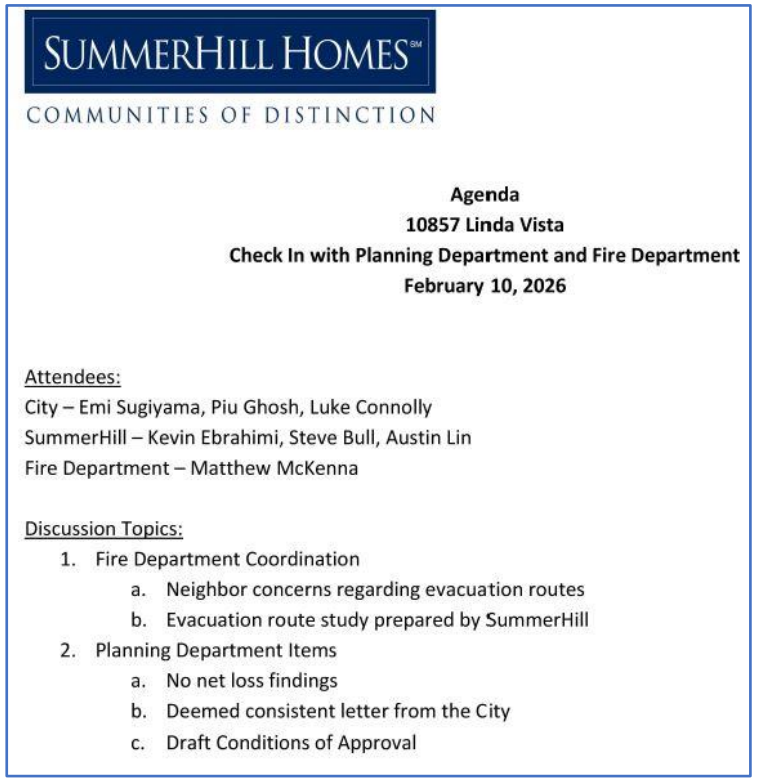
You are being asked to vote – you can VOTE NO.

Otherwise, decision would be made ministerially

THIS PROJECT CAUSES SERIOUS PUBLIC HEALTH IMPACTS WITHIN & BEYOND FENCELINE

Closing thoughts . . .

- **Any discussion of Park-Fee waivers must be done separately**
- **Consider capturing sales-tax by requiring Cupertino LLC for project as a Condition of Approval (COA).**
- **Summerhill has undermined its credibility – the wrong box was checked on the AB130 memo pertaining to hazards (e.g., fire & earthquake). Summerhill withheld information it has about evacuation – they met with staff about it on February 10, 2026. They bullied the Planning Commission, saying that the project was exempt from evacuation requirements because the City didn't have any yet. Does Summerhill want to destroy its reputation?**



SUMMERHILL HOMES℠

COMMUNITIES OF DISTINCTION

Agenda
10857 Linda Vista
Check In with Planning Department and Fire Department
February 10, 2026

Attendees:
City – Emi Sugiyama, Piu Ghosh, Luke Connolly
SummerHill – Kevin Ebrahimi, Steve Bull, Austin Lin
Fire Department – Matthew McKenna

Discussion Topics:
1. Fire Department Coordination
   a. Neighbor concerns regarding evacuation routes
   b. Evacuation route study prepared by SummerHill
2. Planning Department Items
   a. No net loss findings
   b. Deemed consistent letter from the City
   c. Draft Conditions of Approval

VOTE NO ON CEQA EXEMPTION
VOTE NO ON RESOLUTION ATTACHMENT
because project creates public health hazards

By this statement, this presentation includes all PRAs, published and unpublished that pertain to this project

From:	Vikram Saxena
To:	City Council; City Attorney"s Office; City Clerk; Tina Kapoor; Benjamin Fu
Subject:	Fire Safety Memo and Administrative Record: City"s Independent Obligation to Verify AMMR Equivalency: Evulich Court
Date:	Monday, March 16, 2026 10:13:51 PM
Attachments:	Fire Safety Administrative Record - Evulich Court 26-14876 March 16.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 Mayor Moore and Members of the City Council,

Please find the attached memorandum regarding fire safety findings for the Evulich Court project. I request that this email and the attached memo be recorded as Written Communications for the Evulich Court Agenda Item.

This communication addresses whether the Fire Department's approval of the Alternative Materials and Methods Request (AMMR) resolves the City's wildfire safety obligations. Based on the administrative record, it does not, for the following reasons:

1. **AMMR approval is not a final determination.** The SCCFD Fire Prevention Plan Review Comments explicitly state that the review shall not be construed as an approval of a violation of the California Fire Code or other regulations. The Fire Department’s approval is a technical recommendation; the legal authority and responsibility to issue or deny a building permit rest solely with the City.

2. The City has acknowledged its independent role. City staff recently confirmed that the Health and Safety Element Evacuation Route Capacity Analysis was released for public review on February 11, 2026. The City cannot approve a project within this area without referencing its own commissioned analysis. The **City remains the final approving authority.**

3. Legal standards require independent City findings. State housing statutes, including SB 330 and the State Density Bonus Law, **do not waive the City’s obligation to protect public health and safety.** The City must make its **own findings, supported by substantial evidence,** that the AMMR provides the same practical fire-safety effect as the 30-foot separation standard for **both the development and the surrounding community, as defined by 14 CCR §1270.01.**

While the Fire Department has reviewed the project, the City has yet to document its own verification that this determination satisfies all legal requirements.

The attached memorandum identifies specific gaps in the record that require clarification before the City's findings can be supported by substantial evidence. I respectfully ask the Council to direct staff to address these gaps before the project is approved.

Respectfully submitted,

Vikram Saxena

MEMORANDUM

Date: March 16,, 2026

To: Cupertino City Council

From: Concerned Residents of Linda Vista Neighborhood

Cc: City Attorney

Subject: Fire Safety Analysis: Reduction of Structure Separation under the Fire Safe Regulations
Evulich Court Project: Administrative Record Clarification

Executive Summary

The Evulich Court project proposes a 51-unit townhome development located within a **Very High Fire Hazard Severity Zone (VHFHSZ)**. The project relies on an **Alternative Materials and Methods Request (AMMR)** allowing the reduction of the 30-foot structure separation required under the Board of Forestry Fire Safe Regulations (14 CCR §1276.01) to 10 feet along the project's north and south boundaries adjoining existing single-family homes.

Under the Board of Forestry Fire Safe Regulations (14 CCR §1276.01), such an alternative may be approved only where it provides ***the same practical effect*** as the regulation being replaced, meaning the reduced separation must maintain wildfire protection equivalent to the 30-foot standard.

Four issues warrant clarification before the City relies on this determination:

- **The setback reduction was not automatically granted by State housing laws.** The applicant sought approval from the Santa Clara County Fire Department through an AMMR to reduce the required separation. This confirms that the reduction required a technical determination that the proposed design provides the same practical fire-safety effect as the 30-foot separation standard, rather than being automatically vested under SB 330 or Density Bonus provisions.
- **The Fire Safe Regulations require evaluation of wildfire safety beyond the new buildings.** The regulations define Defensible Space as the area providing defense for the *"neighborhood or community"* against *"escaping Structure fires"* (14 CCR §1270.01). The required separation is therefore not solely a building-level standard; it is a community-scale measure intended to limit fire spread between buildings and across adjacent parcels. Reducing the separation to 10 feet places combustible wooden fencing at the property line directly within the fire exposure zone, and ADU construction on adjacent parcels could reduce structure-to-structure spacing to 14 feet.
- **The administrative record does not document analysis of this community-scale exposure risk.** The AMMR approval references mitigation measures such as fire-rated exterior walls and patio sprinklers, but the record does not address structure-to-structure radiant heat exposure, the vulnerability of neighboring homes built prior to modern Wildland-Urban Interface standards, unprotected window

openings in reduced-setback walls, or wildfire evacuation constraints — conditions that bear directly on whether the reduced separation provides the same practical effect as the 30-foot standard for the surrounding *"neighborhood or community."*

- **The project's CEQA exemption under AB 130 depends on the validity of this AMMR.** The AB 130 exemption (PRC §21080.66) is available in a VHFHSZ only if the project adopts fire hazard mitigation measures *"pursuant to existing building standards."* The applicant's own AB 130 Qualification Memorandum acknowledges that the project relies on a reduction of the required 30-foot setback. If the AMMR determination lacks the analytical basis to demonstrate equivalent fire-safety protection, the statutory predicate for the CEQA exemption is likewise unsupported.

Key Question for Council Consideration

Under the Fire Safe Regulations, an Alternative Materials and Methods Request may be approved only when the proposed alternative provides *the same practical fire-safety effect* as the required standard.

What technical analysis demonstrates that the reduced separation provides wildfire protection equivalent to the 30-foot separation standard — not only for the proposed development, but for the surrounding neighborhood or community as contemplated by the Fire Safe Regulations (14 CCR §1270.01) — and where is that analysis documented in the administrative record?

1. Legal Framework: Fire Safe Regulations and City Responsibility

1.1 State Housing Laws Do Not Override the City's Obligation to Ensure Wildfire Safety

The project applicant has indicated that the project relies on provisions of **SB 330 (Housing Crisis Act of 2019)** and the **California Density Bonus Law (Government Code §65915)**. City staff have similarly indicated that these statutes constrain the City's ability to impose conditions on the project.

While these statutes may limit the application of certain development standards, they do not waive the City's responsibility to protect public health and safety. State housing law expressly preserves local authority to address *specific adverse impacts on public health and safety* based on substantial evidence in the record.

The City's own General Plan Health and Safety Element reinforces this obligation:

- **Goal B** directs the City to provide *"efficient and effective fire and emergency services to protect the community from hazards associated with wild and urban fires."*
- **Policy 6-7 (Early Project Review)** requires the City to *"involve the Fire Department in the early design stage of all projects requiring public review to assure Fire Department input and modifications as needed."*
- **Policy 6-10 (Multi-Story Buildings Fire Risks)** directs the City to *"ensure that adequate fire protection is built into the design"* of multi-story buildings *"to ensure the safety of the community."*

The AMMR was filed on January 5, 2026, accepted by the Fire Official on January 6, and the Fire Prevention Plan Review was completed on January 7. The administrative record contains no documentation of the technical analysis performed during this period.

Independent of Fire Department review, the City retains its own obligation to determine that project design adequately protects both the proposed development and the surrounding community. The AMMR itself confirms this distinction: the applicant sought and obtained Fire Department approval specifically because the setback reduction required an independent fire-safety determination — it was not automatically vested under SB 330 or the Density Bonus Law.

This obligation is further underscored by the City's own draft Health and Safety Element, currently under Council consideration, which includes an Evacuation Route Capacity Analysis for the project area prepared pursuant to Government Code §65302(g). The City cannot make adequate wildfire safety findings for a project in a VHFHSZ without reference to evacuation capacity data it has itself commissioned and that is directly relevant to the relationship between reduced structure separation and life-safety risk during wildfire conditions.

1.2 The Fire Safe Regulations Apply Directly to the Evulich Court Project

Public Resources Code §4290 authorizes the Board of Forestry Fire Safe Regulations, codified at 14 CCR §1270.01 et seq., which establish minimum development standards in wildfire hazard areas, including requirements for roadway access, emergency access, and separation between structures. Following **SB 901 (2018)**, these regulations apply directly to development within LRA Very High Fire Hazard Severity Zones. The Evulich Court project is subject to these regulations on this basis.

1.3 The Required Separation Protects the Surrounding Community, Not Just the New Buildings

The regulations define Defensible Space as the area within a development, *"neighborhood or community"* providing defense against approaching wildfire and against *"escaping Structure fires"* (14 CCR §1270.01). Closely spaced buildings can allow fires to propagate across developed areas through structure-to-structure ignition, independently of surrounding vegetation. The 30-foot separation requirement under §1276.01 implements this standard at the parcel boundary — it protects not only the new development, but adjacent properties and the broader community from fire spreading between buildings.

1.4 The Record Does Not Identify Which Standard Was Applied to the AMMR

The Evulich Court project received approval for an Alternative Materials and Methods Request (AMMR) reducing the required separation from 30 feet to 10 feet along portions of the project's north and south boundaries.

The Fire Prevention Plan Review prepared by the Santa Clara County Fire Department (dated January 7, 2026) characterizes the proposed setbacks as *"deficiencies to non-conforming 30' setback requirements"* to be mitigated. This language describes mitigation of a known deficiency — not an equivalency determination that the proposed alternative provides *the same practical effect* as the 30-foot standard.

Under the Fire Safe Regulations, alternative materials or methods may be approved only where they provide *the same practical effect* as the regulation being replaced. The AMMR narrative

states that the 51-unit minimum density requirement and the cul-de-sac right-of-way within the site make the 30-foot setback impossible to achieve. Section 1276.01(b) recognizes these factors as grounds for seeking an AMMR, but they address why the prescriptive standard cannot be met — not whether the proposed alternative achieves the same practical fire-safety effect.

The administrative record does not identify which standard was applied in evaluating the AMMR — the *same practical effect* standard under §1276.01 or the *substantial compliance* standard under 14 CCR §1270.06 — nor does it document the analytical basis for the determination.

The record also does not include evidence that the Fire Marshal modeled the thermal impact of a fence-line fire at the 10-foot separation, or accounted for the combustible fuel load present at the property boundary, in reaching the equivalency determination.

The AMMR process requires evaluation by both the fire code official and the building official. Under CFC 104.10, the fire code official must find that an alternative material or method is *"not less than the equivalent"* of the code standard in *"quality, strength, effectiveness, fire resistance, durability and safety."* CBC 104.11 assigns the identical obligation to the building official. The Santa Clara County Fire Department's AMMR approval form reflects both requirements, stating that *"the Building and Fire Official must evaluate"* whether the alternative is equal to the intent of the code. The Fire Official — Santa Clara County Fire Department — has signed. The Building Official signature line — which corresponds to the City of Cupertino's building authority — is blank. Without the Building Official's evaluation and signature, the AMMR has not completed the dual review required by both the California Building Code and the Fire Department's own approval form, and the City's building authority has not formally determined that the proposed alternative meets code intent.

2. Structure-to-Structure Fire Exposure from Reduced Separation

2.1 Federal Research Supports the 30-Foot Separation as a Critical Threshold

The Fire Safe Regulations establish a 30-foot separation between structures in wildfire hazard areas to reduce the likelihood that fire spreads from one building to another once ignition occurs. This standard reflects the relationship between structure spacing and radiant heat exposure: at closer distances, radiant heat from a fully involved structure can ignite combustible exterior materials on adjacent buildings even without direct flame contact.

Research on structure-to-structure fire spread supports the 30-foot standard. NIST has found that intense radiant heat from a fully involved structure can ignite another structure at distances of approximately 30 feet, and that increasing spacing from 10 meters to 30 meters increases resistance to fire spread by a factor of ten (*NIST TN 2205*). Post-disaster analysis of the 2023 Lahaina fire by the Insurance Institute for Business and Home Safety (IBHS) identified structure spacing as the single most critical factor in structure-to-structure fire spread.

The Evulich Court project reduces this separation to **10 feet** along the project's north and south boundaries adjoining existing single-family homes.

2.2 The Proposed Mitigations Protect the New Buildings but Not the Surrounding Community

The AMMR approval identifies several mitigation measures intended to address the reduced separation, including 1-hour fire-resistance-rated exterior walls, patio sprinklers in reduced setback areas, non-combustible landscaping adjacent to structures, and code-compliant wall penetrations.

- These measures are focused exclusively on improving the fire resistance of the new buildings.
- None of the identified measures address the impact of the reduced separation on the surrounding *"neighborhood or community"* as contemplated by the Fire Safe Regulations (14 CCR §1270.01), including radiant heat exposure to adjacent properties and structure-to-structure fire spread.

The project's Wildfire Protection Construction Requirements (Sheet A08) further illustrate this focus: the detailed specifications for exterior windows, walls, vents, decking, and garage doors are designed to protect the new buildings from exterior wildfire exposure. None address outward radiant heat from the new buildings toward neighboring properties.

2.3 Combustible Fuel Pathways at the Reduced Setback Create an Uncontrolled Fire Corridor

Wooden fencing along or near the property line is a standard feature in the residential neighborhood surrounding the project site, and mature tree canopies on neighboring parcels developed in the 1950s extend to and beyond the property boundary. At a separation of only 10 feet, these elements combine to form a continuous fuel pathway that the City cannot regulate on neighboring land and the HOA has no authority to manage.

Fire-hardening the new townhomes does not dissipate the thermal energy of a fire. In a narrow 10-foot corridor, fire-rated walls reflect and concentrate radiant heat back toward combustible fences, canopy material, and the un-hardened exteriors of neighboring homes. Rather than attenuating wildfire energy, the reduced separation channels it: a wildfire moving across the project boundary would accelerate through this corridor, using fence and canopy as connected fuel to carry fire laterally along the full length of the boundary and directly into the defensible space of adjacent residents.

The project's fire-rated assemblies and sprinklers protect the developer's buildings; they do not replicate the attenuation effect of 30 feet of separation for the surrounding community.

2.4 The Project's Own Defensible Space Plan Confirms the Absence of Required Buffer Zones

The project's Defensible Space Fire Zone Plan (Sheet L7.1, submitted as part of the AMMR package) illustrates this condition. Zone 2 — the 30-to-100-foot fuel management band — is effectively absent along the north and south boundaries, where the setback reduction applies. The plan shows proposed tree canopy circles reaching and overlapping the property line, and notes that the HOA shall monitor and prune canopy to meet CAL FIRE requirements. The HOA has no authority to enforce this obligation on neighboring parcels, where existing mature trees operate outside any defensible space management plan.

2.5 Unprotected Window Openings in Reduced-Setback Walls Are Not Evaluated in the Record

The applicant's own AMMR narrative claims compliance with CRC R302.1(2) fire separation requirements while simultaneously noting that *"we are not proposing modifications to the Openings (Windows) in Walls."* R302.1(2) typically requires protected openings or elimination of openings in fire-resistance-rated exterior walls at reduced separation distances; the applicant invokes the standard while exempting one of its key requirements.

Under **CRC R302.1(2)**, unprotected glazing can fail early under radiant heat exposure, allowing flame and radiant heat transmission across the reduced separation. The administrative record does not evaluate how the presence of unprotected openings in these walls affects radiant heat exposure between the proposed development and neighboring properties, or how the proposed mitigation measures collectively achieve *the same practical effect* as the 30-foot standard.

2.6 A Burning Fence at the 10-Foot Setback Would Impede Emergency Access and Rescue Operations

A 10-foot setback containing an ignited wooden fence would produce extreme heat flux, making the corridor untenable for firefighters. This would prevent the safe deployment of ground ladders and hamper rescue operations along the project's perimeter — effectively negating the primary life-safety purpose of the perimeter setback. Because aerial apparatus access is not required for the project, emergency rescue would depend on ground ladder deployment in precisely the areas where the reduced setback and combustible fencing create the most hazardous conditions.

3. Adjacent Properties Face Increased Wildfire Exposure from the Reduced Separation

3.1 Neighboring Homes Are More Vulnerable to Radiant Heat Than Modern Construction

The staff report describes the surrounding neighborhood as consisting primarily of single-family homes constructed between approximately 1947 and 1957. These homes predate modern Wildland-Urban Interface (WUI) building standards and are likely to include combustible exterior materials, minimal ember-resistant features, and older window assemblies.

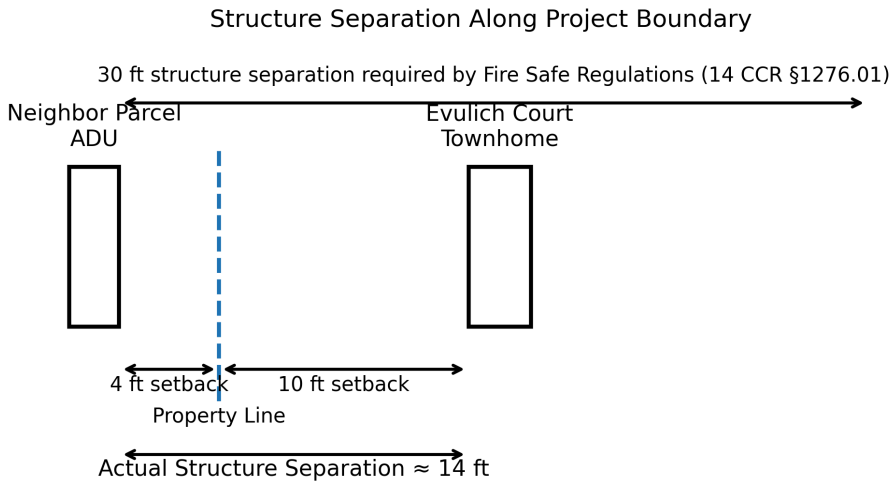
Fire-resistant exterior construction on the Evulich Court buildings is designed to delay ignition of the project structures, but does not reduce the radiant heat imposed on neighboring properties once a structure becomes fully involved. Modern construction materials — engineered lumber, synthetic insulation, and high-density interior furnishings — carry a combustible load that burns intensely once flashover occurs. Neighboring pre-WUI homes would receive that radiant heat exposure across a separation of 10 feet.

3.2 ADU Development Could Reduce Structure Separation to 14 Feet

State law allows Accessory Dwelling Units (ADUs) to be constructed with setbacks as small as four feet from property lines as a matter of right, and these rights are available to neighboring parcels independent of this project's approvals. Since the adoption of State ADU reforms beginning in 2017, ADU construction has accelerated significantly across the Bay Area, making this a near-term likelihood rather than a remote possibility.

Because the Evulich Court project provides only a 10-foot setback along its north and south boundaries, ADU construction on adjacent parcels would reduce structure-to-structure spacing to **14 feet** — less than half the 30-foot separation required by the Fire Safe Regulations. Many adjacent properties include combustible wooden fencing at or near the property line, which would sit directly within this 14-foot gap. In a fire scenario, the fence could ignite from radiant heat, carry fire along the property line, and spread to an adjacent ADU — effectively shifting wildfire risk from the project onto the surrounding community.

Figure 1 — Structure Separation Along Project Boundary



An ADU built 4 ft from the property line combined with a 10 ft project setback results in 14 ft of structure separation, compared with the 30 ft separation required by the Fire Safe Regulations (14 CCR §1276.01).

3.3 The Record Does Not Evaluate Wildfire Exposure to Adjacent Properties

The administrative record does not evaluate how the reduced separation distance affects wildfire exposure to existing homes constructed prior to modern wildfire-resistant building standards, nor does it consider the potential for further reduction in structure spacing from ADU development on adjacent parcels. Both conditions bear directly on whether the reduced separation provides *the same practical effect* as the 30-foot standard for the surrounding *"neighborhood or community"* (14 CCR §1270.01).

4. Wildfire Evacuation Conditions Are Not Addressed in the Record

4.1 No Project-Specific Evacuation Analysis Was Prepared

The staff report states that a project-specific evacuation study was not required and was not prepared. As a result, the administrative record does not include analysis of evacuation capacity associated with wildfire conditions affecting the project site or the surrounding area.

4.2 The Project Is Located in an Area with Known Evacuation Constraints

The City's own draft Health and Safety Element, released for public review on February 11, 2026, includes an Evacuation Route Capacity Analysis covering the project area, prepared pursuant to Government Code §65302(g). This analysis has identified limited evacuation capacity on local roadways in this area of Cupertino, including areas serving **three nearby public schools attended**

by approximately 3,500 students. Structure separation directly affects the rate at which fire can spread between buildings; where evacuation capacity is constrained, reduced separation increases the risk that fire propagates across adjacent structures before residents can evacuate and before emergency response can be effectively deployed. The staff report does not reference this analysis in evaluating the project's wildfire safety.

4.3 Reducing Fire Safety Standards in an Evacuation-Constrained Area Requires Clear Justification

Approving a reduction of the Fire Safe Regulation's most basic structure separation requirement — from 30 feet to 10 feet, within a Very High Fire Hazard Severity Zone, in an area where evacuation capacity is already constrained — without documented analysis of the impact on evacuation safety would be inconsistent with the City's obligation to protect public health and safety.

5. Administrative Record Clarification

5.1 The Record Should Document the Basis for Determining Equivalent Fire Safety

Because the project relies on an AMMR to reduce the structure separation required by the Fire Safe Regulations, the applicable standard is whether the approved alternative provides *the same practical effect* as the regulation being replaced — including protection of the surrounding *"neighborhood or community"* against *"escaping Structure fires"* (14 CCR §1270.01).

The administrative record should clearly document how the following issues were evaluated in reaching that determination:

- Which standard was applied to the AMMR — the *same practical effect* standard under §1276.01 or the *substantial compliance* standard under §1270.06
- How the Fire Department's characterization of the setbacks as *"deficiencies to non-conforming 30' setback requirements"* is reconciled with a finding of equivalent fire-safety protection
- What technical analysis was performed during the one-day period between AMMR filing (January 5, 2026) and acceptance (January 6, 2026) to support the equivalency determination
- Structure-to-structure radiant heat exposure from the reduced separation, given that federal research identifies 30 feet as a critical threshold (NIST TN 2205)
- The thermal impact of combustible fencing and mature tree canopy at the property line within the reduced setback zone, including their role as a connective fuel pathway and their effect on emergency access
- The absence of Zone 2 (30-to-100-foot fuel management band) along the north and south boundaries as shown on the project's own Defensible Space Fire Zone Plan (Sheet L7.1)
- The applicant's claim of compliance with CRC R302.1(2) while simultaneously proposing no modifications to window openings in reduced-setback walls
- Wildfire exposure to neighboring homes constructed between 1947 and 1957, prior to modern WUI building standards

- Future structure spacing associated with ADU development on adjacent parcels, which could reduce separation to 14 feet
- Wildfire evacuation conditions in an area with known capacity constraints, including the City's own draft Evacuation Route Capacity Analysis
- Whether the AMMR has completed the dual review required by CFC 104.10 and CBC 104.11, given that the Building Official signature line on the Santa Clara County Fire Department's AMMR approval form — corresponding to the City of Cupertino's building authority — remains blank, and no building code evaluation of the proposed alternative has been documented
- Whether the AMMR determination provides a sufficient basis for the AB 130 CEQA exemption (PRC §21080.66), which requires fire hazard mitigation measures *"pursuant to existing building standards"* — not a discretionary reduction of an existing standard

5.2 Providing This Clarification Strengthens the City's Record and Protects Its Decision

Ensuring that the technical basis for the AMMR determination is clearly documented serves the City's interest in maintaining a defensible administrative record. Without this documentation, the City's approval findings may lack the substantial evidence required to demonstrate that the reduced separation provides *the same practical effect* as the 30-foot standard and is consistent with the General Plan Health and Safety Element.

From:	DerChang Kau
To:	Public Comments
Cc:	DerChang Kau
Subject:	FW: Emergency Evacuation Performance Alert: Quantifying Non-Survivable Bottlenecks in the Linda Vista Corridor
Date:	Monday, March 16, 2026 6:31:09 PM
Attachments:	00 - 20260313 - Letter to Vice Mayor Chao.pdf 01 - 260224 Plan Comm Evulich Development Emergency Evacuation.pdf 02 - Evacuation Traffic Model and Analysis.pdf 03 - Letter to Assistant Chief Hector Estrada.pdf 04 - Technical Rebuttal to Hexagon Transportation Analysis.pdf 05 - Feedback to Cupertino Health and Safety Element - General Plan Community Vision 2015-2040 - v3.pdf 06 - Letter to City Council and City Manager, R1, Jan 29, 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.

To whom it may concern,

Please include this memorandum to public records for March 17 City Council meeting on agenda #12 public hearing.

Thank you

From: DerChang Kau <derchang@gmail.com>
Date: Friday, March 13, 2026 at 5:08 PM
To: Liang Chao <lchao@cupertino.gov>
Cc: 高德昌 <derchang@ntu.edu.tw>, DerChang@gmail.com <derchang@gmail.com>
Subject: Emergency Evacuation Performance Alert: Quantifying Non-Survivable Bottlenecks in the Linda Vista Corridor

March 13, 2026

Dear Vice Mayor Chao,

As a fellow professional who respects your **science and engineering background**—specifically your Ph.D. in Computer Science and expertise in **performance optimization and complex algorithms** on **scheduling and behavioral transformations** —I am writing to share a rigorous, data-driven analysis regarding the **Evulich Ct. Project**. I am deeply concerned that the Planning Commission's recent 3-2 vote to support this development was made in negligence of objective wildfire evacuation modeling that reveals a **critical community safety risk**.

I have documented my concerns in successive letters to City Planner Emi Sugiyama (Jan. 16) and the City Council (Jan. 29), culminating in a formal technical presentation at the Feb. 24 Planning Commission hearing. Despite presenting mathematical proof of a **system failure**, the project was narrowly approved.

Because of your discipline in system performance and data-driven decision-making, I believe you will find the following quantified results from my **Evacuation Traffic Model** significant:

- **Systemic Failure (Utilization Ratio):** Adding 51 units to the Linda Vista "spine" pushes the traffic utilization ratio from an under-saturated **37% to a failing 110%**. This is a mathematical certainty that a "Standing Queue" will form, meaning the road physically cannot clear the

neighborhood in time.

- **The 30-Minute Safety Window:** Wildfire spread data (e.g., the 2025 Pacific Palisades Fire) shows fire can consume 200 acres in 20 minutes. My modeling shows total evacuation time will more than double, jumping from **26.5 minutes to over 93 minutes**—far exceeding the critical window for survival.
- **Shockwave Merging Delays:** Forcing 51 units to merge into a saturated single-lane exit creates a "Concentrated Conflict Point," adding **28.5 minutes of 'Shockwave Delay'**.

My modeling and analysis is not a theoretical concern nor the only warning sign. It turns out, the City of Cupertino knew this. Last October, the city received its own expert study from Fehr and Peers. The study found evacuation demand on key corridors serving this neighborhood exceed 200% of roadway capacity. The City had it for nearly 5 months before the February 24, 2026 Planning Commission hearing where the project was approved.

I have shared these technical concerns with **Assistant Chief Hector Estrada** of the SCC Fire Department, highlighting that **internal site compliance does not equate to neighborhood evacuation safety.** We cannot allow "paper wavier" with internal site-plans to override the physical reality of a neighborhood-wide "trap hazard". Like many in our community, I believe that housing developments under **SB 330** must not be used to bypass essential safety protections found in **CFC 4903** and **GC 65302(g)(5)**, especially given the **March 2025 CAL FIRE LRA update** which fundamentally changed the hazard baseline for this parcel.

I am seeking your support to prioritize this objective data over outdated 2024 planning assumptions. Specifically, I ask for your help in securing a formal **Consistency Review** by the Fire Marshal and a **Supplemental CEQA Review** to assess the cumulative impact on the entire Linda Vista evacuation corridor.

Respectfully,

DerChang Kau Resident of 10847 Linda Vista Drive

Attachments including

1. 260224 Plan Comm Evulich Development Emergency Evacuation.pdf
2. Evacuation Traffic Model and Analysis.pdf
3. Letter to Assistant Chief Hector Estrada.pdf
4. Technical Rebuttal to Hexagon Transportation Analysis.pdf
5. Feedback to Cupertino Health and Safety Element - v3.pdf
6. Letter to City Council and City Manager, R1, Jan 29, 2026.pdf

From:	M. R. Wolfe & Associates, PC
To:	City Clerk
Cc:	City Council
Subject:	Correspondence re: Linda Vista Drive/SummerHill Project - March 17, 2026 City Council Agenda Public Hearing Item No. 12
Date:	Monday, March 16, 2026 4:14:53 PM
Attachments:	Letter to Council re Linda Vist Project_3-16-26.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.

To the Cupertino City Clerk:

Attached please find correspondence addressed to the City Council concerning the subject project, currently set for a public hearing during the March 17, 2026 regular Council Meeting as Item No. 12.

Please distribute to Council Members in advance of the meeting, and include in the administrative record for this matter.

We would be grateful if you could acknowledge receipt of this email and attachment at your convenience.

Thank you very much.

Sharon Kim
M. R. Wolfe & Associates, P.C | Attorneys
Land Use | Environmental Law | Government

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m | r | wolfe
& associates, p.c.
attorneys-at-law

March 16, 2026

By Email

Mayor Kitty Moore and Councilmembers
Cupertino City Council
c/o City Clerk
10300 Torre Avenue
Cupertino, CA 95014
CityClerk@Cupertino.gov
CityCouncil@cupertino.gov

Re: Tentative Map, Architectural and Site Approval, and Tree Removal Permit, 10857-10887 Linda Vista Drive (Application Nos. TM-2024-009, ASA-2024-015, TR-2024-044; SummerHill Homes, LLC)

Dear Mayor Moore and Councilmembers:

On behalf of Cupertino resident Mark Fantozzi, please accept and consider the following points addressing the above-referenced applications by SummerHill Homes, LLC seeking development entitlements for a proposed 51-unit townhome condominium project on Linda Vista Drive ("Project"). As this letter will explain, the City Council may not lawfully approve the Project at this time because: (1) it does not qualify for the so-called AB 130 exemption from CEQA for infill housing; and (2) required findings for approval of the Tentative Map under the Subdivision Map Act cannot be made.

Overview

Under AB 130, a residential project does not qualify for the new statutory exemption from CEQA for infill residential development if it is in a state-designated Very High Fire Hazard Severity Zone ("VHFHSZ"), unless it has been made subject to certain specified state fire safety standards. In this case, the developer claims that

notwithstanding the Project's location in a VHFHSZ, it qualifies for the new exemption because it will adhere to "Alternate Means/Methods of Construction" ("AMMC") that differ from state fire-safe regulations adopted under Public Resources Code ("PRC") section 4290. This posture is fundamentally at odds with the governing statutory framework, which allows a CEQA exemption in such high-risk areas only where state-level wildfire-mitigation standards are applied as the baseline, not relaxed through project-specific exceptions.

As will be explained below, the Project does not satisfy the fire-hazard mitigation condition in Government Code section 65913.4(a)(6)(D), and the City cannot lawfully rely on Public Resources Code section 21080.66 to exempt it from CEQA. At the same time, because the project seeks approval of a tentative map under the Subdivision Map Act, the Council has an independent duty under Government Code section 66474 and section 66474.02 to make public safety findings supported by substantial evidence. These findings cannot be made based on a record that openly documents deviations from state minimum setback requirements and lacks any corridor-level evacuation capacity analysis tailored to this single-access corridor.

The City Council should therefore take no action to approve the Project at this time, and should instead direct staff to initiate required CEQA review.

I. The Project Does Not Qualify for the AB 130 CEQA Exemption

A. AB 130's narrow exception for VHFHSZ sites.

PRC section 21080.66 incorporates SB 330's siting and hazard-screening standards set forth in Government Code section 65913.4 to define when infill housing in certain hazardous areas can qualify for a CEQA exemption. Section 65913.4(a)(6)(D) provides that a housing development may not rely on the streamlined procedures if it is located "within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code." That exclusion applies unless "the site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards

established under" PRC sections 4291 and 4290, Government Code section 51182, and Chapter 7A of the California Building Code.

In this context, PRC sections 4290 and 4291, Government Code section 51182, and Chapter 7A/Wildland Urban Interface ("WUI") requirements function as statewide baselines for access, siting, defensible space, and construction in VHFHSZs, applying by operation of law to every new home in such areas. SB 330 and AB 130 thus establish that a residential infill project in a VHFHSZ may be exempt from CEQA only if it is subject to, and in compliance with, these specified state-level wildfire-mitigation provisions as the governing baseline. Nothing in these statutes authorizes a CEQA exemption when these provisions have been relaxed through project-specific deviations.

B. The Project's AMMC is a deviation from state standards adopted under PRC 4290, not compliance with them.

The record shows that the requirements for AB 130's CEQA exemption have not been met. The applicant has filed, and Santa Clara County Fire Department has approved, an "Alternate Means/Methods Application for an exception request to PRC 4290" for the Project. The code provision identified in the application is 14 Cal.Code.Regs § 1276.01(a), adopted under PRC section 4290, which requires that "all parcels shall provide a minimum thirty (30) foot setback for all Buildings from all property lines and/or the center of a Road, except as provided for in subsection (b)." In its narrative, the applicant explains that the site cannot accommodate the 30-foot setback to all property lines and still meet Cupertino's minimum density requirements, and therefore seeks to reduce the state-mandated setback to 10 feet along the northern and southern property lines and 20 feet along the western property line. The justification offered for this request is development density and site constraints associated with the existing cul-de-sac right-of-way, and not any contention that the state standard is inapplicable.

To compensate for the reduced setbacks, the applicant proposes a package of measures in the Alternate Means/Methods submittal: non-combustible landscaping material extending five feet horizontally from the buildings; wildfire protective measures in accordance with California Building Code Chapter 7A; added fire sprinkler heads within covered porches and decks that are within 30 feet of the property line; and designing portions of buildings within 30 feet of property lines to

stricter fire separation distance requirements under Residential Code section R302.1, including one-hour-rated exterior walls and projections and protected penetrations. The Fire Department's plan review expressly characterizes the proposal as "an exception request to PRC 4290;" affirms that "[t]his alternate proposes to mitigate deficiencies to non-conforming 30' setback requirements;" and marks the exception "APPROVED." In other words, the Project is not meeting the uniform 30-foot setback prescribed by the state's PRC 4290 fire-safe regulations; instead, it is receiving a project-specific local exception based on a finding that this mitigation package is equivalent for purposes of that administrative determination.

At the same time, the other statutes cited in Government Code section 65913.4(a)(6)(D), PRC section 4291, Government Code section 51182, and Chapter 7A of the California Building Code, apply as baseline requirements to any new structure in a VHFHSZ. Defensible-space obligations under PRC 4291 and Gov't Code 51182 (e.g., maintaining up to 100 feet of modified vegetation or to the property line), and WUI construction standards under Chapter 7A (ember-resistant roof, wall, and opening protection) are not measures specially "adopted" for this Project in response to the AB 130 eligibility condition; they are pre-existing state mandates that would govern the project whether or not the developer sought a CEQA exemption and whether or not the 30-foot PRC 4290 setback were waived. The AMMC does not implement or enhance PRC section 4291, Gov't Code section 51182, or Chapter 7A; it relaxes a PRC 4290 siting standard and substitutes building-centric measures for physical separation.

This approach does not satisfy Government Code section 65913.4(a)(6)(D).[1] The statute's text requires that "the site has adopted fire hazard mitigation measures

[1] The developer may contend that because the Fire Safe Regulations themselves allow case-by-case "exceptions to standards" where the local inspection entity finds "the same practical effect as these regulations towards providing defensible space" (14 Cal.Code.Regs § 1270.06/1270.07), a locally approved AMMC is, by definition, a mitigation measure "pursuant to" PRC 4290. That argument overreads both the regulations and Government Code section 65913.4(a)(6)(D). The authority to approve exceptions does not convert every project-specific variance into "compliance" with the regulations for purposes of AB 130 or SB 330. Section 65913.4(a)(6)(D) points to state-level regimes as the baseline mitigation frameworks that must be applied to a site before total CEQA immunity is available, not to individualized departures from those frameworks. Regardless, the record here contains no

pursuant to existing building standards or state fire mitigation measures applicable to the development," including the named statutory sections and Chapter 7A frameworks. The phrase "pursuant to" in this context means "in accordance with" or "under the authority of" those state standards as adopted and actually applied to the Project's design, not "in deviation from" them under a local alternate-means approval. The applicant's own materials confirm that the alternate means approval "was obtained specifically to reduce the required 30 foot building separation setback." A project that cannot meet a mandatory PRC section 4290 standard and requires a waiver to substitute a different approach—and that offers only baseline PRC 4291/GC 51182/Chapter 7A compliance that every WUI project must already provide—has not "adopted fire hazard mitigation measures pursuant to" those state standards in the sense contemplated by section 65913.4(a)(6)(D). To the contrary, it has reduced one of those standards and substituted a project-specific package of measures in its place. Treating an exception from PRC section 4290's standards as if it were adoption of those same standards "pursuant to" that statute would invert the statutory scheme: the very fact that the project cannot meet the state minimum would become the basis for claiming that the state-based fire-hazard exclusion no longer applies.

C. Fire-Code alternate means approval is not an AB 130 eligibility finding.

The reliance on an "alternative means and methods" approval under California Fire Code section 104.9 to satisfy the AB 130's fire-hazard condition fails on the plain text of the statute. The Fire Code's alternate means and methods procedure is a mechanism for departing from an applicable standard when the code official determines that a different approach achieves equivalent safety. That determination addresses whether a proposed design deviation is acceptable under Fire Code authority, not whether the project has "adopted fire hazard mitigation measures pursuant to" PRC sections 4290, 4291, and Chapter 7A for purposes of satisfying AB 130's separate CEQA exemption condition. The two frameworks serve different purposes and are governed by different legal standards. Satisfying one does not

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Fire Board-certified local ordinance and no documented "same practical effect" analysis showing that reducing the 30-foot setback to 10–20 feet, with added sprinklers and five feet of non-combustible landscaping, actually achieves the same level of WUI protection intended by § 1276.01.

automatically satisfy the other, and no agency-authored document in the record offers the statutory equivalency analysis that would be required to bridge that gap.

D. Lack of substantial evidence for the AB 130 exemption determination.

Any AB 130 exemption determination must rest on substantial evidence that the statutory eligibility criteria are in fact met. The lead agency bears independent responsibility for determining whether the AB 130 conditions are satisfied and for substantiating that determination with evidence in the record. CEQA permits reliance on applicant-submitted materials, but the record must contain the facts and analysis supporting the statutory determination, not simply a consultant's assertion that "the conditions are met."

Here, the staff report adopts the developer's consultant's conclusion and states that the Santa Clara County Fire Department "has found that the project has demonstrated consistency with these requirements," but there is no agency-authored analysis applying the controlling statutory language of Government Code section 65913.4(a)(6)(D) to the actual AMMC and fire-safety measures. Nor does the record contain any documented equivalency analysis showing that the combination of reduced setbacks, added sprinklers, and building-separation measures collectively achieves the same level of protection as the PRC 4290 30-foot setback, as opposed to satisfying Fire Code alternate-means criteria. Assertions of compliance do not substitute for evidence of compliance; substantial evidence review requires that the City disclose the analytic route it traveled from evidence to action, and here that analytic route is missing.

E. SB 330 vesting does not alter AB 130's state-law eligibility criteria.

The developer may argue that SB 330 "vesting" locks in development standards as of its preliminary application date, which predated Cal Fire's March 2025 VHFHSZ reclassification and AB 130's June 2025 enactment, and that earlier laws and regulations therefore govern the Project's AB 130 eligibility. That argument conflates two distinct legal frameworks. SB 330 protects applicants against cities

changing local ordinances, policies, and standards mid-project;[2] it does not freeze or displace the State's later-adopted, independent siting criteria for a statutory CEQA exemption, nor does it vest a right to have statewide hazard-mapping determinations ignored. Cal Fire's FHSZ remapping is a state-level determination about physical fire-risk conditions, not a City ordinance or policy.

Likewise, AB 130 is a state statute that took effect after the project vested and that the developer is now invoking for its benefit. The eligibility conditions included in that statute, including Government Code section 65913.4(a)(6)(D)'s VHFHSZ condition and its cross-references to PRC 4290/4291 and Chapter 7A, apply by their own terms at the time the statutory exemption is claimed. SB 330 cannot be used to pick and choose which portions of a later-enacted state exemption statute apply: a developer cannot simultaneously invoke AB 130 for its complete CEQA immunity while insisting that the statute's state-law safety and siting criteria are inapplicable because of earlier vesting against local standards.

In sum, because the Project site is in a VHFHSZ and is proceeding under an approved exception to the 30-foot setback required by PRC 4290's implementing regulations, the condition for lifting the fire-hazard exclusion in Government Code section 65913.4(a)(6)(D) is not met. The Project therefore remains subject to the fire-hazard exclusion and is ineligible for the CEQA exemption provided in PRC section 21080.66. The City Council should therefore reject reliance on that exemption and instead require appropriate CEQA review that candidly evaluates wildfire risk, evacuation constraints, and cumulative hazard in this high-risk location.

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[2] SB 330's text and implementing guidance make clear that vesting is limited to local laws, policies, and regulations. Government Code section 66300 regulates "development policy, standard, or condition" and defines that term to mean provisions of general plans, specific plans, zoning ordinances, subdivision standards, and similar local instruments. It does not purport to vest against changes in state statutes or state-adopted building or fire-safety codes.

II. Subdivision Map Act Findings Are Not Supported by Substantial Evidence

A. Required findings under Government Code sections 66474 and 66474.02

In addition to the CEQA concerns described above, the Council's consideration of the tentative subdivision map is independently constrained by the findings requirements of Subdivision Map Act, including Government Code sections 66474 and 66474.02. Section 66474 requires the Council to find, before approving a tentative map, that the design and improvement of the proposed subdivision "will not cause serious public health problems." This finding must be supported by substantial evidence in the record at the time of approval, and must be made regardless of whether the Project qualifies for the AB 130 CEQA exemption.

Section 66474.02 adds further wildfire-specific requirements for subdivisions in a state responsibility area or a VHFHSZ: before approving such a tentative map, the legislative body must make "a finding supported by substantial evidence in the record that the subdivision is consistent with regulations adopted by the State Board of Forestry and Fire Protection ("Board") pursuant to Sections 4290 and 4291 of the Public Resources Code or consistent with local ordinances certified by the Board as meeting or exceeding the state regulations," and a separate finding regarding structural fire protection and suppression services.

B. The AMMC is inconsistent with a finding of "consistency" with PRC 4290/4291 regulations

The record raises serious doubt that the City can lawfully make these mandatory findings under the Subdivision Map Act. As noted, the Project relies on an "Alternate Means/Methods Application for an exception request to PRC 4290," seeking relief from the Board's minimum 30-foot building setback requirement in 14 C.C.R. section 1276.01(a). Rather than showing that the subdivision is "consistent with regulations adopted by the Board pursuant to Sections 4290 and 4291," the application expressly acknowledges non-conformance with a key PRC 4290 standard and asks for approval of reduced setbacks, down to 10 feet in some locations, based on development density and site constraints. The Fire Department's approval

confirms that this is an "exception request to PRC 4290" that "proposes to mitigate deficiencies to non-conforming 30' setback requirements," and that those deficiencies are being accepted on a project-specific basis through an AMMC.

This approach cannot be reconciled with a required finding that the subdivision is "consistent with" the PRC 4290/4291 regulations or with local ordinances the Board has certified as at least equivalent.[3] Consistency in this context ordinarily means the subdivision satisfies the substantive standards adopted by the Board, not that those standards have been waived or reduced through an exception process to accommodate a particular project design. The AMMC's mitigation measures, i.e., enhanced sprinklers, one-hour walls and projections within 30 feet of property lines, and five feet of non-combustible landscaping, may be sufficient, in the Fire Department's view, to justify an exception under local alternate-means authority, but they do not change the content of the PRC section 4290 regulations themselves, nor do they transform a non-conforming setback into a conforming one. On this record, the subdivision is, at best, in compliance with PRC section 4290 "as modified by an exception," which is not the same as being "consistent with regulations adopted by the Board pursuant to Sections 4290 and 4291" for purposes of Government Code section 66474.02(a)(1).

C. Corridor-level evacuation capacity and the "serious public health problems" finding.

The Council must also confront the separate public-health finding required by Government Code section 66474: that the design and improvement of the subdivision "will not cause serious public health problems." That finding cannot be made in the abstract in a reclassified VHFHSZ on a single-access corridor without grappling with corridor-level evacuation capacity. The project is proposed on a

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[3] Nor can the City rely on the Fire Safe Regulations' "same practical effect" exception process to satisfy Government Code section 66474.02. That statute requires a finding that the subdivision is consistent with "regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291" or with Board-certified local ordinances that equal or exceed those regulations. It is keyed to the Board's minimum standards and any formally certified local analogues, not to case-by-case variances granted by an inspection entity. Even if the AMMR could be justified under 14 CCR § 1270.06/1270.07, the record contains no evidence that the City has a Board-certified local ordinance substituting for the state regulations, and no analysis demonstrating that this specific exception maintains the same level of protection as § 1276.01's 30-foot setback.

two-lane hillside spine with no secondary vehicular egress. While the City's 2019 Emergency Operations Plan provides a general response framework, it is not a corridor-specific evacuation capacity analysis. Recognizing this gap, the City commissioned the October 2025 Cupertino Evacuation Route Capacity Assessment, which uses transportation-planning tools (trip generation, assignment, link capacity, v/c ratios) to evaluate evacuation route capacity under worst-case wildfire scenarios and to identify major evacuation routes, gateways, and bottlenecks for the western hillside WUI areas.

However, neither the staff report nor any other project document applies that methodology to the specific conditions of the Linda Vista corridor and the cumulative load of this subdivision in combination with other projects such as Vista Heights. The Evacuation Route Capacity Assessment defines an evacuation area encompassing the western WUI hillside neighborhoods and confirms that evacuation demand must be funneled toward limited gateways at SR-85 and I-280; it identifies potential bottlenecks and emphasizes the importance of supply-side and demand-side strategies to manage evacuation loads. But there is no analysis in the project record that asks, or answers, the core statutory question: whether this single-access corridor, with its existing geometry, vegetation, and downstream constraints, can safely evacuate the increased population associated with this 51-unit subdivision (and the other pending units on the same spine) within a reasonable clearance time under wildfire conditions.

Written objections submitted to the City by others include specific, documented clearance-time estimates for the Linda Vista corridor, comparing present conditions (approximately 70 units) to post-development scenarios (approximately 155 units with this project and Vista Heights), and estimating that corridor clearance times would increase from under 30 minutes to over 90 minutes once queueing, merging, and human-factor delays are considered. The City produced no corridor-specific evacuation throughput study, no application of the Fehr & Peers methodology to this particular single-access hillside corridor, and no Fire Marshal or other expert determination that the corridor can safely evacuate the increased population under wildfire conditions. Deference to building-level fire-code compliance (sprinklers, access lanes, construction materials) does not answer the corridor-level question about whether the only egress route is capable of safely

clearing residents in a timely way. The absence of that corridor-level evacuation analysis is a gap in the evidentiary foundation for the required public-health findings under Government Code sections 66474 and 66474.02; it cannot be filled after the fact with general references to compliance with building and fire codes that address different questions.

D. Combined effect of CEQA and SMA frameworks.

Taken together, the CEQA framework (PRC 21080.66 and Government Code section 65913.4(a)(6)(D)) and the Subdivision Map Act (Government Code sections 66474 and 66474.02) point in the same direction: in Very High Fire Hazard Severity Zones, streamlined approval and tentative map approval are appropriate only where state-level wildfire-mitigation standards are applied as the governing baseline and where there is substantial evidence that the subdivision's design and improvements will not cause serious public health problems, including evacuation risk—not where state fire-safe standards are relaxed through project-specific exceptions and corridor-level evacuation capacity has never been meaningfully analyzed. The Council should not attempt to rely on the CEQA exemption or to make the required 66474 and 66474.02 findings on this record. Instead, it should require full CEQA review and ensure that any approval of the tentative map is genuinely consistent with the Board's fire-safe regulations or with duly certified local ordinances that meet or exceed those standards, and that corridor-level evacuation capacity for this single-access hillside corridor has been rigorously evaluated and disclosed.

III. Conclusion

For the foregoing reasons, the City Council should find the Project not exempt from CEQA, and should decline to approve a tentative map for Project pending adequate CEQA review and corridor-level evacuation analysis.

Thank you for your consideration of these comments and concerns.

Yours very truly,

M. R. WOLFE & ASSOCIATES, P.C.

Mark R. Wolfe
On behalf of Mark Fantozzi

MRW:
cc: Mark Fantozzi

From:	James Lloyd
To:	Kitty Moore; Liang Chao; Sheila Mohan; J.R. Fruen; R "Ray" Wang
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 12 for tonight"s Council meeting
Date:	Tuesday, March 17, 2026 2:37:03 PM
Attachments:	Cupertino - 10857-87 Linda Vista Drive- HAA Letter - CC.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 City Council,

The California Housing Defense Fund ("CalHDF") submits the attached public comment re item 12 for tonight's Council meeting, the proposed 51-unit housing development project at 10857, 10867, 10877, and 10887 Linda Vista Drive, which includes 10 median- and moderate-income units.

Sincerely,

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

Mar 17, 2026

City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

Re: Proposed Housing Development at 10857-87 Linda Vista Drive

By email: kmoore@cupertino.gov; lchao@cupertino.gov; smohan@cupertino.gov; jrfruen@cupertino.gov; rwang@cupertino.gov

CC: piug@cupertino.gov; CityAttorney@cupertino.gov; CityManager@cupertino.gov; CityClerk@Cupertino.gov; planning@cupertino.gov;

Dear Cupertino City Council,

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 51-unit housing development project at 10857, 10867, 10877, and 10887 Linda Vista Drive, which includes 10 median- and moderate-income units. These laws include the Housing Accountability Act ("HAA"), the Density Bonus Law ("DBL"), Housing Element Law, 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).)

Of note, the City has planned for housing development on the site by including it in its current Housing Element site inventory. Specifically, the City has planned for 84 units on the site including 31 lower-income units.

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The City must respect these protections. In addition to granting the increase in residential units allowed by the DBL, the City must not deny the project the proposed waivers and concessions with respect to height, setback, floor area ratio, outdoor space, parking dimensions, and unit mix. 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.)

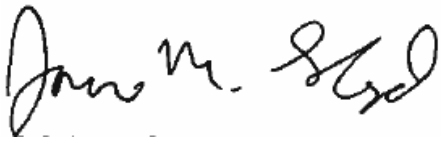
Finally, the project is exempt from state environmental review pursuant to AB 130 (Pub. Res. Code, § 21080.66). Caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to 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.

Sincerely,

Dylan Casey
CalHDF Executive Director



James M. Lloyd
CalHDF Director of Planning and Investigations

From: Lin, Austin
To: Emi Sugiyama; City Clerk
Cc: Ebrahimi, Kevin; Bull, Steve
Subject: Linda Vista / Requirements for Projects in VHFHSZ and AB130
Date: Tuesday, March 17, 2026 3:08:08 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
Saratoga_AB 130 checklist, 1-27-26 (web).pdf
GOV_65913.4.-a6B-K.pdf

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Hello Emi,

This email is in response to the email sent by Rhoda Fry on March 16, 2026, in which she states that other municipalities do not allow projects in Very High Fire Hazard Severity Zones to utilize AB130.

Ms. Fry provided links to other municipalities' AB130 checklists. I've attached Saratoga's as an example. The checklists are based on the State's requirements under AB130, and while they do not provide complete details on certain exceptions to the qualifying site conditions allowed under State law, they do reference the relevant state code section, in particular paragraph (6) of subdivision (a) of section 65913.4. See the highlighted section below from the Saratoga Checklist.

Also attached is California Government Code 65913.4, with the appurtenant section highlighted. Subsection D, as shown further below does state that disqualification for projects in a VHFHSZ would not apply if:

(i) sites are excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or

(ii) sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development. See green highlighted section below.

As you are aware, we have adopted the necessary mitigation measures required to maintain our qualification for AB130, which have been reviewed and agreed upon by the Fire Department.

Please let me know if you have any further questions on this matter.

FROM SARATOGA AB130 CHECKLIST:

Criteria	Describe how project complies with the criteria. Please attach sufficient documentation to demonstrate compliance.
§ 21080.66(a)(6) *The project satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code.* *The development is not located on a site that is any of the following:* ☐ (1) Coastal Zone ☐ (2) Prime Farmland or Farmland of Statewide Importance ☐ (3) Wetlands ☐ (4) Very High Fire Hazard Severity Zone ☐ (5) Hazardous Waste Sites ☐ (6) Earthquake Fault Zone ☐ (7) Special Flood Hazard Area ☐ (8) Regulatory Floodway ☐ (9) Conservation Lands in a Natural Community Conservation Plan ☐ (10) Habitat for Protected Species ☐ (11) Conservation Easement	To establish eligibility, please attach: ☐ (3) **USACE Wetland Delineation Report**, prepared by a qualified wetland scientist. A map is not sufficient evidence to establish eligibility. ☐ (5) Documentation from SWRCB, GeoTracker Map, GeoTracker, and DTSC, EnviroStor Map, EnviroStor Map ☐ (7) and (8) Documentation from the most current *FEMA, Flood Insurance Rate Map* ☐ (10) **Biological Report**, prepared by a "California Certified Professional Biologist" ☐ (11) current title report

Subsection D from California Government Code 65913.4(a)(6):

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

Regards,

Austin Lin, PE
Development Manager
SummerHill Homes
Direct (510) 330-3064 | Mobile (408) 966-2278 | alin@shhomes.com
www.summerhillhomes.com
6101 Bollinger Canyon Road, Suite 425, San Ramon, CA 94583

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Community Development Department
13777 Fruitvale Avenue
Saratoga, CA 95070
www.saratoga.ca.us/cdd
408.868.1222

URBAN INFILL HOUSING CEQA EXEMPTION (AB 130) CHECKLIST

Public Resources Code 21080.66

SUBMITTAL REQUIREMENTS

The following information is required from any applicant seeking to establish eligibility for an AB 130 CEQA exemption under Public Resources Code ("PRC") Section 21080.66. All documents, reports and plans must be provided to the Planning Department in digital format or via certified mail.

Applications that are not eligible for the exemption or that do not provide sufficient information to determine eligibility will not be processed in accordance with PRC Section 21080.66.

An applicant is responsible for paying all fees associated with the City's determination of the project's eligibility for the exemption. Completion of this form and submission of supporting documentation (e.g., Biological Report, USACE Wetland Delineation Report) will help reduce delays and the cost of determining eligibility.

A project that is eligible for the exemption shall be subject to tribal consultation, require a Phase I Environmental Assessment and other environmental requirements, and may potentially be subject to specified wage requirements. Initiation of tribal consultation does not establish eligibility.

This document was last updated on **January 27, 2026**.

Community Development Department
13777 Fruitvale Avenue
Saratoga, CA 95070
www.saratoga.ca.us/cdd
408.868.1222

Criteria	Describe how project complies with the criteria. Please attach sufficient documentation to demonstrate compliance.
Project is a "housing development project", as defined in subdivision (b) of Section 65905.5 of the Government Code. (**PRC § 21080.66(a)**)	
§ 21080.66(a)(1) *(A) Except as provided in subparagraph (B), the project site is not more than 20 acres.* *(B) The project site or the parcel size for a builder's remedy project, as defined in paragraph (11) of subdivision (h) of Section 65589.5 of the Government Code, or the project site or the parcel size for a project that applied pursuant to paragraph (5) of subdivision (d) of Section 65589.5 of the Government Code, is not more than four acres.*	
§ 21080.66(a)(2) *The project site meets either of the following criteria:* *(A) Is located within the boundaries of an incorporated municipality.* *(B) Is located within an urban area, as defined by the United States Census Bureau.*	
§ 21080.66(a)(3) *The project site meets any of the following criteria:* *(A) Has been previously developed with an urban use.* *(B) At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses.* *(C) At least 75 percent of the area within a one-quarter mile radius of the site is developed with urban uses.* *(D) For sites with four sides, at least three out of four sides are developed with urban uses and at least two-thirds of the*	

Criteria	Describe how project complies with the criteria. Please attach sufficient documentation to demonstrate compliance.
perimeter of the site adjoins parcels that are developed with urban uses.	
§ 21080.66(a)(4) *(A) The project is consistent with the applicable general plan and zoning ordinance, as well as any applicable local coastal program as defined in Section 30108.6. For purposes of this section, a housing development project shall be deemed consistent with the applicable general plan and zoning ordinance, and any applicable local coastal program, if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent.* *(B) If the zoning and general plan are not consistent with one another, a project shall be deemed consistent with both if the project is consistent with one.* *(C) The approval of a density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios pursuant to Section 65915 of the Government Code shall not be grounds for determining that the project is inconsistent with the applicable general plan, zoning ordinance, or local coastal program.*	
§ 21080.66(a)(5) *The project will be at least one-half of the applicable density specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code.*	For Saratoga, 15 dwelling units per net acre is half of the 30 units per acre default density.

Community Development Department
13777 Fruitvale Avenue
Saratoga, CA 95070
www.saratoga.ca.us/cdd
408.868.1222

Criteria	Describe how project complies with the criteria. Please attach sufficient documentation to demonstrate compliance.
§ 21080.66(a)(6) *The project satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code*. *The development is not located on a site that is any of the following:* ☐ (1) Coastal Zone ☐ (2) Prime Farmland or Farmland of Statewide Importance ☐ (3) Wetlands ☐ (4) Very High Fire Hazard Severity Zone ☐ (5) Hazardous Waste Sites ☐ (6) Earthquake Fault Zone ☐ (7) Special Flood Hazard Area ☐ (8) Regulatory Floodway ☐ (9) Conservation Lands in a Natural Community Conservation Plan ☐ (10) Habitat for Protected Species ☐ (11) Conservation Easement	To establish eligibility, please attach: ☐ (3) **USACE Wetland Delineation Report**, prepared by a qualified wetland scientist. A map is not sufficient evidence to establish eligibility. ☐ (5) Documentation from SWRCB, GeoTracker Map, GeoTracker, and DTSC, EnviroStor Map, EnviroStor Map ☐ (7) and (8) Documentation from the most current *FEMA, Flood Insurance Rate Map* ☐ (10) **Biological Report**, prepared by a "California Certified Professional Biologist" ☐ (11) current title report
§ 21080.66(a)(7) *The project does not require the demolition of a historic structure that was placed on a national, state, or local historic register before the date a preliminary application was submitted for the project pursuant to Section 65941.1 of the Government Code.*	

Community Development Department
13777 Fruitvale Avenue
Saratoga, CA 95070
www.saratoga.ca.us/cdd
408.868.1222

Criteria	Describe how project complies with the criteria. Please attach sufficient documentation to demonstrate compliance.
§ 21080.66(a)(8) *For a project that was deemed complete pursuant to paragraph (5) of subdivision (h) of Section 65589.5 of the Government Code on or after January 1, 2025, no portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging. For the purposes of this section, "other transient lodging" does not include either of the following:* *(A) A residential hotel, as defined in Section 50519 of the Health and Safety Code.* *(B) After the issuance of a certificate of occupancy, a resident's use or marketing of a unit as short-term lodging, as defined in Section 17568.8 of the Business and Professions Code, in a manner consistent with local law.*	

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REQUIREMENTS FOR ELIGIBLE PROJECTS

Projects that are eligible for the PRC Section 21080.66 exemption shall be subject to the following requirements.

Requirement	**Provide any information regarding the applicability of, or compliance with, the criteria.**
Tribal Notification/Consultation. See *PRC § 21080.66(b)* for additional details.	
A Phase I environmental assessment and, if required, a preliminary endangerment assessment, removal of hazardous substance, and mitigation measures. *See PRC § 21080.66(c*) for additional details	Please attach any Phase I environmental assessment that has already been completed.
If the project is located within 500 feet of a freeway, the requirements in *PRC § 21080.66 (c)(2)* shall apply.	
Labor Standards If 100 percent of the units in the project are dedicated to lower income households, all construction workers shall be paid prevailing wage. If the project is over 85 feet in height above grade, the labor standards in Government Code section 65913.4 (a)(8) shall apply. *See PRC § 21080.66(d)* for additional details.	

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STATE OF CALIFORNIA
LEGISLATIVE COUNSEL BUREAU
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

State of California

GOVERNMENT CODE

Section 65913.4

65913.4. (a) A development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (c) and is not subject to a conditional use permit if the development complies with subdivision (b) and satisfies all of the following objective planning standards:

(1) The development is a multifamily housing development that contains two or more residential units.

(2) The development and the site on which it is located satisfy all of the following:

(A) It is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) It is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use. Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

(3) (A) The development proponent has committed to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any lower or moderate income housing units required pursuant to subparagraph (B) of paragraph (4) shall remain available at affordable housing costs or rent to persons and families of lower or moderate income for no less than the following periods of time:

(i) Fifty-five years for units that are rented.

(ii) Forty-five years for units that are owned.

(B) The city or county shall require the recording of covenants or restrictions implementing this paragraph for each parcel or unit of real property included in the development.

(4) The development satisfies subparagraphs (A) and (B) below:

(A) Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building

permits, as shown on the most recent production report received by the department, is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period.

(B) The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:

(i) The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project does either of the following:

(I) The project dedicates a minimum of 10 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income. However, if the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that local ordinance applies.

(II) (ia) If the project is located within the San Francisco Bay area, the project, in lieu of complying with subclause (I), dedicates 20 percent of the total number of units to housing affordable to households making below 120 percent of the area median income with the average income of the units at or below 100 percent of the area median income. However, a local ordinance adopted by the locality applies if it requires greater than 20 percent of the units be dedicated to housing affordable to households making at or below 120 percent of the area median income, or requires that any of the units be dedicated at a level deeper than 120 percent. In order to comply with this subclause, the rent or sale price charged for units that are dedicated to housing affordable to households between 80 percent and 120 percent of the area median income shall not exceed 30 percent of the gross income of the household.

(ib) For purposes of this subclause, "San Francisco Bay area" means the entire area within the territorial boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco.

(ii) The locality's latest production report reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income. However, if the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making at or below 80 percent of the area median income, that local ordinance applies.

(iii) The locality did not submit its latest production report to the department by the time period required by Section 65400, or if the production report reflects that there were fewer units of housing affordable to both income levels described in clauses

(i) and (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

(C) (i) A development proponent that uses a unit of affordable housing to satisfy the requirements of subparagraph (B) may also satisfy any other local or state requirement for affordable housing, including local ordinances or the Density Bonus Law in Section 65915, provided that the development proponent complies with the applicable requirements in the state or local law.

(ii) A development proponent that uses a unit of affordable housing to satisfy any other state or local affordability requirement may also satisfy the requirements of subparagraph (B), provided that the development proponent complies with applicable requirements of subparagraph (B).

(iii) A development proponent may satisfy the affordability requirements of subparagraph (B) with a unit that is restricted to households with incomes lower than the applicable income limits required in subparagraph (B).

(5) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section, or at the time a notice of intent is submitted pursuant to subdivision (b), whichever occurs earlier. For purposes of this paragraph, "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(B) In the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

(C) It is the intent of the Legislature that the objective zoning standards, objective subdivision standards, and objective design review standards described in this paragraph be adopted or amended in compliance with the requirements of Chapter 905 of the Statutes of 2004.

(D) The amendments to this subdivision made by the act adding this subparagraph do not constitute a change in, but are declaratory of, existing law.

(6) The development is not located on a site that is any of the following:

(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(G) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(H) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(K) Lands under conservation easement.

(7) The development is not located on a site where any of the following apply:

(A) The development would require the demolition of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) Housing that has been occupied by tenants within the past 10 years.

(B) The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

(C) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

(D) The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

(8) The development proponent has done both of the following, as applicable:

(A) Certified to the locality that either of the following is true, as applicable:

(i) The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(ii) If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:

(I) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(II) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(III) Except as provided in subclause (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided therein.

(IV) Except as provided in subclause (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(V) Subclauses (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, “project labor agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(VI) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(B) (i) For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:

(I) On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(II) On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(III) On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(IV) On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(V) On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(ii) For purposes of this section, "skilled and trained workforce" has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(iii) If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:

(I) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.

(II) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.

(III) Except as provided in subclause (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part

1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars ($10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars ($200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(IV) Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(C) Notwithstanding subparagraphs (A) and (B), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:

(i) The project includes 10 or fewer units.

(ii) The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(9) The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land, unless the development is consistent with all objective subdivision standards in the local subdivision ordinance, and either of the following apply:

(A) The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (8).

(B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8).

(10) The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code),

or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(b) (1) (A) (i) Before submitting an application for a development subject to the streamlined, ministerial approval process described in subdivision (c), the development proponent shall submit to the local government a notice of its intent to submit an application. The notice of intent shall be in the form of a preliminary application that includes all of the information described in Section 65941.1, as that section read on January 1, 2020.

(ii) Upon receipt of a notice of intent to submit an application described in clause (i), the local government shall engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Section 21080.3.1 of the Public Resources Code, of the proposed development. In order to expedite compliance with this subdivision, the local government shall contact the Native American Heritage Commission for assistance in identifying any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development.

(iii) The timeline for noticing and commencing a scoping consultation in accordance with this subdivision shall be as follows:

(I) The local government shall provide a formal notice of a development proponent's notice of intent to submit an application described in clause (i) to each California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development within 30 days of receiving that notice of intent. The formal notice provided pursuant to this subclause shall include all of the following:

(ia) A description of the proposed development.

(ib) The location of the proposed development.

(ic) An invitation to engage in a scoping consultation in accordance with this subdivision.

(II) Each California Native American tribe that receives a formal notice pursuant to this clause shall have 30 days from the receipt of that notice to accept the invitation to engage in a scoping consultation.

(III) If the local government receives a response accepting an invitation to engage in a scoping consultation pursuant to this subdivision, the local government shall commence the scoping consultation within 30 days of receiving that response.

(B) The scoping consultation shall recognize that California Native American tribes traditionally and culturally affiliated with a geographic area have knowledge and expertise concerning the resources at issue and shall take into account the cultural significance of the resource to the culturally affiliated California Native American tribe.

(C) The parties to a scoping consultation conducted pursuant to this subdivision shall be the local government and any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development. More than one California Native American tribe traditionally and culturally affiliated with

the geographic area of the proposed development may participate in the scoping consultation. However, the local government, upon the request of any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development, shall engage in a separate scoping consultation with that California Native American tribe. The development proponent and its consultants may participate in a scoping consultation process conducted pursuant to this subdivision if all of the following conditions are met:

(i) The development proponent and its consultants agree to respect the principles set forth in this subdivision.

(ii) The development proponent and its consultants engage in the scoping consultation in good faith.

(iii) The California Native American tribe participating in the scoping consultation approves the participation of the development proponent and its consultants. The California Native American tribe may rescind its approval at any time during the scoping consultation, either for the duration of the scoping consultation or with respect to any particular meeting or discussion held as part of the scoping consultation.

(D) The participants to a scoping consultation pursuant to this subdivision shall comply with all of the following confidentiality requirements:

(i) Subdivision (r) of Section 6254.

(ii) Section 6254.10.

(iii) Subdivision (c) of Section 21082.3 of the Public Resources Code.

(iv) Subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations.

(v) Any additional confidentiality standards adopted by the California Native American tribe participating in the scoping consultation.

(E) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to a scoping consultation conducted pursuant to this subdivision.

(2) (A) If, after concluding the scoping consultation, the parties find that no potential tribal cultural resource would be affected by the proposed development, the development proponent may submit an application for the proposed development that is subject to the streamlined, ministerial approval process described in subdivision (c).

(B) If, after concluding the scoping consultation, the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is documented between the California Native American tribe and the local government on methods, measures, and conditions for tribal cultural resource treatment, the development proponent may submit the application for a development subject to the streamlined, ministerial approval process described in subdivision (c). The local government shall ensure that the enforceable agreement is included in the requirements and conditions for the proposed development.

(C) If, after concluding the scoping consultation, the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is not documented between the California Native American

tribe and the local government regarding methods, measures, and conditions for tribal cultural resource treatment, the development shall not be eligible for the streamlined, ministerial approval process described in subdivision (c).

(D) For purposes of this paragraph, a scoping consultation shall be deemed to be concluded if either of the following occur:

(i) The parties to the scoping consultation document an enforceable agreement concerning methods, measures, and conditions to avoid or address potential impacts to tribal cultural resources that are or may be present.

(ii) One or more parties to the scoping consultation, acting in good faith and after reasonable effort, conclude that a mutual agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources that are or may be present cannot be reached.

(E) If the development or environmental setting substantially changes after the completion of the scoping consultation, the local government shall notify the California Native American tribe of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribe.

(3) A local government may only accept an application for streamlined, ministerial approval pursuant to this section if one of the following applies:

(A) A California Native American tribe that received a formal notice of the development proponent's notice of intent to submit an application pursuant to subclause (I) of clause (iii) of subparagraph (A) of paragraph (1) did not accept the invitation to engage in a scoping consultation.

(B) The California Native American tribe accepted an invitation to engage in a scoping consultation pursuant to subclause (II) of clause (iii) of subparagraph (A) of paragraph (1) but substantially failed to engage in the scoping consultation after repeated documented attempts by the local government to engage the California Native American tribe.

(C) The parties to a scoping consultation pursuant to this subdivision find that no potential tribal cultural resource will be affected by the proposed development pursuant to subparagraph (A) of paragraph (2).

(D) A scoping consultation between a California Native American tribe and the local government has occurred in accordance with this subdivision and resulted in agreement pursuant to subparagraph (B) of paragraph (2).

(4) A project shall not be eligible for the streamlined, ministerial process described in subdivision (c) if any of the following apply:

(A) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project.

(B) There is a potential tribal cultural resource that could be affected by the proposed development and the parties to a scoping consultation conducted pursuant to this subdivision do not document an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment, as described in subparagraph (C) of paragraph (2).

(C) The parties to a scoping consultation conducted pursuant to this subdivision do not agree as to whether a potential tribal cultural resource will be affected by the proposed development.

(5) (A) If, after a scoping consultation conducted pursuant to this subdivision, a project is not eligible for the streamlined, ministerial process described in subdivision (c) for any or all of the following reasons, the local government shall provide written documentation of that fact, and an explanation of the reason for which the project is not eligible, to the development proponent and to any California Native American tribe that is a party to that scoping consultation:

(i) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project, as described in subparagraph (A) of paragraph (4).

(ii) The parties to the scoping consultation have not documented an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment, as described in subparagraph (C) of paragraph (2) and subparagraph (B) of paragraph (4).

(iii) The parties to the scoping consultation do not agree as to whether a potential tribal cultural resource will be affected by the proposed development, as described in subparagraph (C) of paragraph (4).

(B) The written documentation provided to a development proponent pursuant to this paragraph shall include information on how the development proponent may seek a conditional use permit or other discretionary approval of the development from the local government.

(6) This section is not intended, and shall not be construed, to limit consultation and discussion between a local government and a California Native American tribe pursuant to other applicable law, confidentiality provisions under other applicable law, the protection of religious exercise to the fullest extent permitted under state and federal law, or the ability of a California Native American tribe to submit information to the local government or participate in any process of the local government.

(7) For purposes of this subdivision:

(A) "Consultation" means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between local governments and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural importance. A lead agency shall consult the tribal consultation best practices described in the "State of California Tribal Consultation Guidelines: Supplement to the General Plan Guidelines" prepared by the Office of Planning and Research.

(B) "Scoping" means the act of participating in early discussions or investigations between the local government and California Native American tribe, and the development proponent if authorized by the California Native American tribe, regarding the potential effects a proposed development could have on a potential

tribal cultural resource, as defined in Section 21074 of the Public Resources Code, or California Native American tribe, as defined in Section 21073 of the Public Resources Code.

(8) This subdivision shall not apply to any project that has been approved under the streamlined, ministerial approval process provided under this section before the effective date of the act adding this subdivision.

(c) (1) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(3) For purposes of this section, a development is consistent with the objective planning standards specified in subdivision (a) if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

(d) (1) Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(A) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 180 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the development is consistent with the requirements of subparagraph (A) or (B) of paragraph (9) of subdivision (a) and is consistent with all objective subdivision standards in the local subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) shall be exempt from the requirements of the California Environmental Quality Act (Division

13 (commencing with Section 21000) of the Public Resources Code) and shall be subject to the public oversight timelines set forth in paragraph (1).

(e) (1) Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing automobile parking requirements in multifamily developments, shall not impose automobile parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

(2) If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose automobile parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(f) (1) If a local government approves a development pursuant to this section, then, notwithstanding any other law, that approval shall not expire if the project satisfies both of the following requirements:

(A) The project includes public investment in housing affordability, beyond tax credits.

(B) At least 50 percent of the units are affordable to households making at or below 80 percent of the area median income.

(2) (A) If a local government approves a development pursuant to this section, and the project does not satisfy the requirements of subparagraphs (A) and (B) of paragraph (1), that approval shall remain valid for three years from the date of the final action establishing that approval, or if litigation is filed challenging that approval, from the date of the final judgment upholding that approval. Approval shall remain valid for a project provided construction activity, including demolition and grading activity, on the development site has begun pursuant to a permit issued by the local jurisdiction and is in progress. For purposes of this subdivision, "in progress" means one of the following:

(i) The construction has begun and has not ceased for more than 180 days.

(ii) If the development requires multiple building permits, an initial phase has been completed, and the project proponent has applied for and is diligently pursuing a building permit for a subsequent phase, provided that once it has been issued, the building permit for the subsequent phase does not lapse.

(B) Notwithstanding subparagraph (A), a local government may grant a project a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

(3) If the development proponent requests a modification pursuant to subdivision (g), then the time during which the approval shall remain valid shall be extended for

the number of days between the submittal of a modification request and the date of its final approval, plus an additional 180 days to allow time to obtain a building permit. If litigation is filed relating to the modification request, the time shall be further extended during the pendency of the litigation. The extension required by this paragraph shall only apply to the first request for a modification submitted by the development proponent.

(4) The amendments made to this subdivision by the act that added this paragraph shall also be retroactively applied to developments approved prior to January 1, 2022.

(g) (1) (A) A development proponent may request a modification to a development that has been approved under the streamlined, ministerial approval process provided in subdivision (c) if that request is submitted to the local government before the issuance of the final building permit required for construction of the development.

(B) Except as provided in paragraph (3), the local government shall approve a modification if it determines that the modification is consistent with the objective planning standards specified in subdivision (a) that were in effect when the original development application was first submitted.

(C) The local government shall evaluate any modifications requested pursuant to this subdivision for consistency with the objective planning standards using the same assumptions and analytical methodology that the local government originally used to assess consistency for the development that was approved for streamlined, ministerial approval pursuant to subdivision (c).

(D) A guideline that was adopted or amended by the department pursuant to subdivision (*l*) after a development was approved through the streamlined, ministerial approval process described in subdivision (c) shall not be used as a basis to deny proposed modifications.

(2) Upon receipt of the development proponent's application requesting a modification, the local government shall determine if the requested modification is consistent with the objective planning standard and either approve or deny the modification request within 60 days after submission of the modification, or within 90 days if design review is required.

(3) Notwithstanding paragraph (1), the local government may apply objective planning standards adopted after the development application was first submitted to the requested modification in any of the following instances:

(A) The development is revised such that the total number of residential units or total square footage of construction changes by 15 percent or more. The calculation of the square footage of construction changes shall not include underground space.

(B) The development is revised such that the total number of residential units or total square footage of construction changes by 5 percent or more and it is necessary to subject the development to an objective standard beyond those in effect when the development application was submitted in order to mitigate or avoid a specific, adverse impact, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (j) of Section 65589.5, upon the public health or safety and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact. The

calculation of the square footage of construction changes shall not include underground space.

(C) (i) Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building plumbing, electrical, fire, and grading codes, may be applied to all modification applications that are submitted prior to the first building permit application. Those standards may be applied to modification applications submitted after the first building permit application if agreed to by the development proponent.

(ii) The amendments made to clause (i) by the act that added clause (i) shall also be retroactively applied to modification applications submitted prior to January 1, 2022.

(4) The local government's review of a modification request pursuant to this subdivision shall be strictly limited to determining whether the modification, including any modification to previously approved density bonus concessions or waivers, modify the development's consistency with the objective planning standards and shall not reconsider prior determinations that are not affected by the modification.

(h) (1) A local government shall not adopt or impose any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(2) (A) A local government shall issue a subsequent permit required for a development approved under this section if the application substantially complies with the development as it was approved pursuant to subdivision (c). Upon receipt of an application for a subsequent permit, the local government shall process the permit without unreasonable delay and shall not impose any procedure or requirement that is not imposed on projects that are not approved pursuant to this section. The local government shall consider the application for subsequent permits based upon the objective standards specified in any state or local laws that were in effect when the original development application was submitted, unless the development proponent agrees to a change in objective standards. Issuance of subsequent permits shall implement the approved development, and review of the permit application shall not inhibit, chill, or preclude the development. For purposes of this paragraph, a "subsequent permit" means a permit required subsequent to receiving approval under subdivision (c), and includes, but is not limited to, demolition, grading, encroachment, and building permits and final maps, if necessary.

(B) The amendments made to subparagraph (A) by the act that added this subparagraph shall also be retroactively applied to subsequent permit applications submitted prior to January 1, 2022.

(3) (A) If a public improvement is necessary to implement a development that is subject to the streamlined, ministerial approval pursuant to this section, including, but not limited to, a bicycle lane, sidewalk or walkway, public transit stop, driveway, street paving or overlay, a curb or gutter, a modified intersection, a street sign or street light, landscape or hardscape, an above-ground or underground utility connection, a water line, fire hydrant, storm or sanitary sewer connection, retaining wall, and any

related work, and that public improvement is located on land owned by the local government, to the extent that the public improvement requires approval from the local government, the local government shall not exercise its discretion over any approval relating to the public improvement in a manner that would inhibit, chill, or preclude the development.

(B) If an application for a public improvement described in subparagraph (A) is submitted to a local government, the local government shall do all of the following:

(i) Consider the application based upon any objective standards specified in any state or local laws that were in effect when the original development application was submitted.

(ii) Conduct its review and approval in the same manner as it would evaluate the public improvement if required by a project that is not eligible to receive ministerial or streamlined approval pursuant to this section.

(C) If an application for a public improvement described in subparagraph (A) is submitted to a local government, the local government shall not do either of the following:

(i) Adopt or impose any requirement that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(ii) Unreasonably delay in its consideration, review, or approval of the application.

(i) (1) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including the provisions of subdivision (i) of Section 65583.2.

(2) This section shall not prevent a development from also qualifying as a housing development project entitled to the protections of Section 65589.5. This paragraph does not constitute a change in, but is declaratory of, existing law.

(j) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to actions taken by a state agency, local government, or the San Francisco Bay Area Rapid Transit District to:

(1) Lease, convey, or encumber land owned by the local government or the San Francisco Bay Area Rapid Transit District or to facilitate the lease, conveyance, or encumbrance of land owned by the local government, or for the lease of land owned by the San Francisco Bay Area Rapid Transit District in association with an eligible TOD project, as defined pursuant to Section 29010.1 of the Public Utilities Code, nor to any decisions associated with that lease, or to provide financial assistance to a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(2) Approve improvements located on land owned by the local government or the San Francisco Bay Area Rapid Transit District that are necessary to implement a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(k) For purposes of this section, the following terms have the following meanings:

(1) "Affordable housing cost" has the same meaning as set forth in Section 50052.5 of the Health and Safety Code.

(2) (A) Subject to the qualification provided by subparagraph (B), "affordable rent" has the same meaning as set forth in Section 50053 of the Health and Safety Code.

(B) For a development for which an application pursuant to this section was submitted prior to January 1, 2019, that includes 500 units or more of housing, and that dedicates 50 percent of the total number of units to housing affordable to households making at, or below, 80 percent of the area median income, affordable rent for at least 30 percent of these units shall be set at an affordable rent as defined in subparagraph (A) and "affordable rent" for the remainder of these units shall mean a rent that is consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

(3) "Department" means the Department of Housing and Community Development.

(4) "Development proponent" means the developer who submits an application for streamlined approval pursuant to this section.

(5) "Completed entitlements" means a housing development that has received all the required land use approvals or entitlements necessary for the issuance of a building permit.

(6) "Locality" or "local government" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(7) "Moderate income housing units" means housing units with an affordable housing cost or affordable rent for persons and families of moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(8) "Production report" means the information reported pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.

(9) "State agency" includes every state office, officer, department, division, bureau, board, and commission, but does not include the California State University or the University of California.

(10) "Subsidized" means units that are price or rent restricted such that the units are affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code.

(11) "Reporting period" means either of the following:

(A) The first half of the regional housing needs assessment cycle.

(B) The last half of the regional housing needs assessment cycle.

(12) "Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

(*l*) The department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms adopted pursuant to this

subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(m) The determination of whether an application for a development is subject to the streamlined ministerial approval process provided by subdivision (c) is not a "project" as defined in Section 21065 of the Public Resources Code.

(n) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, increased housing supply.

(o) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

(Amended by Stats. 2021, Ch. 160, Sec. 1. (AB 1174) Effective September 16, 2021. Repealed as of January 1, 2026, by its own provisions.)

From: Emi Sugiyama
To: City Clerk
Subject: FW: 10857 Linda Vista Drive - 3rd Party Plan Review of Fire Hazard Zone Requirements
Date: Tuesday, March 17, 2026 3:04:11 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
Linda Vista - Drawing Review Letter - 20260317.pdf

Hello,

Please include this email and attachment as part of the written communications for Item #12 of tonight's City Council meeting.

Emi Sugiyama
Senior Planner
Community Development
EmiS@cupertino.gov
(408)777-3205

From: Lin, Austin <ALin@shhomes.com>
Sent: Tuesday, March 17, 2026 2:24 PM
To: Emi Sugiyama <emis@cupertino.gov>
Cc: Ebrahimi, Kevin <KEbrahimi@shhomes.com>; Bull, Steve <SBull@shhomes.com>
Subject: RE: 10857 Linda Vista Drive - 3rd Party Plan Review of Fire Hazard Zone Requirements

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 Emi,

Please see attached for the updated review letter that added an additional code citation regarding the defensible space regulations.

Thank you,

Austin Lin, PE
Development Manager
SummerHill Homes
Direct (510) 330-3064 | Mobile (408) 966-2278 | alin@shhomes.com
www.summerhillhomes.com
6101 Bollinger Canyon Road, Suite 425, San Ramon, CA 94583

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From: Lin, Austin
Sent: Tuesday, March 17, 2026 2:10 PM
To: Emi Sugiyama <emis@cupertino.gov>
Cc: Ebrahimi, Kevin <KEbrahimi@shhomes.com>; Bull, Steve <SBull@shhomes.com>
Subject: 10857 Linda Vista Drive - 3rd Party Plan Review of Fire Hazard Zone Requirements

Hi Emi,

We commissioned a 3rd party fire consultant to conduct a comprehensive review of the 10857 Linda Vista Drive plans for compliance with Fire Hazard Severity Zone Requirements. Please see attached for their review letter.

Thank you,

Austin Lin, PE
Development Manager
SummerHill Homes
Direct (510) 330-3064 | Mobile (408) 966-2278 | ✉ alin@shhomes.com
www.summerhillhomes.com
6101 Bollinger Canyon Road, Suite 425, San Ramon, CA 94583

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March 17, 2026

Steve Bull
SummerHill Homes
6101 Bollinger Canyon Road, Suite 425, San Ramon, CA 94583

RE: Plan Review – Fire Hazard Severity Zone Requirements
10857 Linda Vista Drive, Cupertino, CA 95014

Dear Steve:

This letter confirms Jensen Hughes' review of the combined plan set for the above referenced project based on the 2022 California Building Code (CBC), 2022 California Residential Code (CRC), and 2022 California Fire Code, as amended by the City of Cupertino and the Santa Clara County Fire Department (SCCFD). This review is based on the combined plan set dated January 12, 2026. This evaluation is limited to code sections related to structural hardening and defensible space requirements for wildfire risk reduction, including CBC Chapter 7A and CFC Chapter 49, which details the defensible space regulations applicable to this property as required by Public Resources Code 4290.

Based on the Combined Plan Set provided to Jensen Hughes on March 13th, 2026, the plans appear to be in compliance with the relevant wildfire requirements and the approved Alternative Means and Methods Report (dated January 7th, 2026).

This review does not state or imply that the submittal is approved or disapproved by the City of Cupertino or Santa Clara County Fire Department. Information not presented in the submitted drawings or contained in the supporting materials are not part of this review. This review does not imply that compliance with relevant codes and standards eliminates all hazards and risks.

Sincerely,

Jensen Hughes

B. Amelia Pludow, PhD
Wildfire Risk Mitigation Consultant

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From: Emi Sugiyama
To: City Clerk
Subject: FW: Linda Vista - AB130/Fault Zone Clarification
Date: Tuesday, March 17, 2026 2:55:38 PM
Attachments: image001.png
25712000001_2026-03-17_10857 Linda Vista Drive SB 130 Fault Zone Clarification.pdf

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Hello,

Please include this email and attachment as a written communication for Item #12 of tonight's City Council meeting.

Emi Sugiyama
Senior Planner
Community Development
EmiS@cupertino.gov
(408)777-3205

From: Bull, Steve <SBull@shhomes.com>
Sent: Tuesday, March 17, 2026 2:04 PM
To: Emi Sugiyama <emis@cupertino.gov>
Cc: Lin, Austin <ALin@shhomes.com>; Ebrahimi, Kevin <KEbrahimi@shhomes.com>
Subject: Linda Vista - AB130/Fault Zone Clarification

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Emi - In response to one of the questions noted in "written communications", please find the attached letter from the project Soils Engineer confirming that the project is NOT located within a State mapped Fault Hazard Zone.

Please let me know if you have any questions.

Thank you,

Steve

Steven Bull
Vice President of Development
SummerHill Homes
6101 Bollinger Canyon Road, Suite 425, San Ramon, CA 94583
Mobile (510) 410-1188
sbull@shhomes.com / SummerHillHomes.com

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Project No.
25712.000.001

March 17, 2026

Mr. Kevin Ebrahimi
SummerHill Homes
777 S. California Avenue
Palo Alto, CA 94304

Subject: 10857 Linda Vista Drive
Cupertino, California

CLARIFICATION LETTER REGARDING ASSEMBLY BILL (AB) 130 IN RELATION TOMAPPED FAULT ZONES

Dear Mr. Ebrahimi:

This letter is to clarify our opinion regarding site eligibility regarding Assembly Bill (AB) 130 of 2026 California Environmental Quality Act (CEQA) exemption related to seismic fault hazards.

Based on our site-specific geologic investigation and a review of the applicable statutory language, we opine that the project meets eligibility criteria for the following reasons.

- AB 130 (codified in PRC §21080.66) excludes projects from streamlining only if they are located within a "delineated earthquake fault zone as determined by the State Geologist." Per the California Geological Survey (CGS) Official Maps, the subject property is not located within a State-delineated Alquist-Priolo Earthquake Fault Zone. While the property is situated within a *Santa Clara County Fault Hazard Zone*, such local designations are not "determined by the State Geologist" and therefore do not trigger the statutory disqualification under AB 130.
- We performed comprehensive subsurface fault exploration at the property. This exploration included the excavation and detailed logging of three exploratory fault trenches. Our investigation found no evidence of surface fault rupture within the trenches across the project site and our study found no evidence to suggest the Monte Vista-Shannon Fault is present at the site. This site-specific data confirms that the local County zoning is not indicative of an actual surface rupture hazard on this parcel.

Our findings have undergone formal peer review by the City of Cupertino's designated geologic consultant. The City's peer reviewer has concurred with our conclusions that no evidence of faulting was encountered within the exploratory trenches at the site.

We strive to perform our professional services in accordance with generally accepted principles and practices currently employed in the area; there is no warranty, express or implied. If you have any questions or comments regarding this letter, please call and we will be glad to discuss them with you.

Sincerely,
ENGEO Incorporated

CERTIFIED ENGINEERING GEOLOGIST
BROOKS RAMSDELL
No. 2356
STATE OF CALIFORNIA

J. Brooks Ramsdell, CEG
Principal

REGISTERED PROFESSIONAL ENGINEER
THEODORE P. BAYHAM
No. 2480
GEOTECHNICAL
STATE OF CALIFORNIA

Theodore P. Bayham, GE, CEG
Principal

jbr/tpb/jg

From: Emi Sugiyama
To: City Clerk
Subject: FW: Linda Vista / Requirements for Projects in VHFHSZ and AB130
Date: Tuesday, March 17, 2026 3:10:17 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
Saratoga_AB 130 checklist, 1-27-26 (web).pdf
GOV_65913.4.-a6B-K.pdf

Please ensure that this is included in the Written Communications for Item #12 and forwarded to Councilmembers as needed.

-Emi

Emi Sugiyama
Senior Planner
Community Development
EmiS@cupertino.gov
(408)777-3205

From: Lin, Austin <ALin@shhomes.com>
Sent: Tuesday, March 17, 2026 3:06 PM
To: Emi Sugiyama <emis@cupertino.gov>; City Clerk <cityclerk@cupertino.gov>
Cc: Ebrahimi, Kevin <KEbrahimi@shhomes.com>; Bull, Steve <SBull@shhomes.com>
Subject: Linda Vista / Requirements for Projects in VHFHSZ and AB130

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Hello Emi,

This email is in response to the email sent by Rhoda Fry on March 16, 2026, in which she states that other municipalities do not allow projects in Very High Fire Hazard Severity Zones to utilize AB130.

Ms. Fry provided links to other municipalities' AB130 checklists. I've attached Saratoga's as an example. The checklists are based on the State's requirements under AB130, and while they do not provide complete details on certain exceptions to the qualifying site conditions allowed under State law, they do reference the relevant state code section, in particular paragraph (6) of subdivision (a) of section 65913.4. See the highlighted section below from the Saratoga Checklist.

Also attached is California Government Code 65913.4, with the appurtenant section

highlighted. Subsection D, as shown further below does state that disqualification for projects in a VHFHSZ would not apply if:

(i) sites are excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or

(ii) sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development. See green highlighted section below.

As you are aware, we have adopted the necessary mitigation measures required to maintain our qualification for AB130, which have been reviewed and agreed upon by the Fire Department.

Please let me know if you have any further questions on this matter.

FROM SARATOGA AB130 CHECKLIST:

Criteria	Describe how project complies with the criteria. Please attach sufficient documentation to demonstrate compliance.
§ 21080.66(a)(6) *The project satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code.* *The development is not located on a site that is any of the following:* ☐ (1) Coastal Zone ☐ (2) Prime Farmland or Farmland of Statewide Importance ☐ (3) Wetlands ☐ (4) Very High Fire Hazard Severity Zone ☐ (5) Hazardous Waste Sites ☐ (6) Earthquake Fault Zone ☐ (7) Special Flood Hazard Area ☐ (8) Regulatory Floodway ☐ (9) Conservation Lands in a Natural Community Conservation Plan ☐ (10) Habitat for Protected Species ☐ (11) Conservation Easement	To establish eligibility, please attach: ☐ (3) **USACE Wetland Delineation Report**, prepared by a qualified wetland scientist. A map is not sufficient evidence to establish eligibility. ☐ (5) Documentation from SWRCB, GeoTracker Map, GeoTracker, and DTSC, EnviroStor Map, EnviroStor Map ☐ (7) and (8) Documentation from the most current *FEMA, Flood Insurance Rate Map* ☐ (10) **Biological Report**, prepared by a "California Certified Professional Biologist" ☐ (11) current title report

Subsection D from California Government Code 65913.4(a)(6):

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

Regards,

From: Emi Sugiyama
To: City Clerk
Subject: FW: 10857 Linda Vista Drive - Informational Evacuation Analysis Submittal
Date: Tuesday, March 17, 2026 2:46:03 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
10857LindaVista_Evacuation_Analysis_2026-2-26.pdf

Hello,

Please include this email and attachment as a written communication for Item #12 of tonight's City Council meeting.

Emi Sugiyama
Senior Planner
Community Development
EmiS@cupertino.gov
(408)777-3205

From: Emi Sugiyama
Sent: Tuesday, March 17, 2026 2:16 PM
To: 'Lin, Austin' <ALin@shhomes.com>
Cc: Bull, Steve <SBull@shhomes.com>; Ebrahimi, Kevin <KEbrahimi@shhomes.com>
Subject: RE: 10857 Linda Vista Drive - Informational Evacuation Analysis Submittal

Thank you for sending this over. I will forward this along to our City Clerk for inclusion in the public record.

Please note that this study is not considered part of the project's application materials and was prepared without City input in scope of work or otherwise. It does not include City review of the final product, including the City's third-party peer review process.

-Emi

Emi Sugiyama
Senior Planner
Community Development
EmiS@cupertino.gov
(408)777-3205

From: Lin, Austin <ALin@shhomes.com>
Sent: Tuesday, March 17, 2026 1:50 PM
To: Emi Sugiyama <emis@cupertino.gov>
Cc: Bull, Steve <SBull@shhomes.com>; Ebrahimi, Kevin <KEbrahimi@shhomes.com>
Subject: 10857 Linda Vista Drive - Informational Evacuation Analysis Submittal

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Re: 10857 Linda Vista Drive – Informational Evacuation Analysis Submittal

Dear Emi:

In advance of this evening's hearing, the applicant is submitting the attached memorandum titled *Evacuation Analysis for the Proposed Townhomes at 10857 Linda Vista Drive*, prepared by Hexagon Transportation Consultants, Inc. This analysis is a voluntary, non-CEQA, informational assessment prepared at the request of the applicant for internal purposes to evaluate the project's incremental contribution to evacuation conditions within the broader neighborhood context.

We would like to clarify the context of this document and address recent public comments suggesting that an evacuation study was prepared and withheld.

As reflected in the City's staff report, the City of Cupertino does not have an adopted requirement or objective standard requiring a project-specific evacuation study, and no such study was required for this application. The project has been reviewed and found compliant with all applicable State fire safety requirements for development within a Very High Fire Hazard Severity Zone.

During the course of community outreach, a neighbor submitted an independent evacuation analysis raising questions about evacuation conditions in the area. In order to better understand the assumptions and conclusions presented in that analysis, and for our own internal planning purposes, the applicant voluntarily requested that the traffic consultant who prepared the project traffic analysis conduct a technical evaluation of evacuation conditions.

This evaluation was prepared for internal informational purposes only and to assist the applicant team in understanding the issues raised in light of-community concerns. At the time of earlier meetings referenced by some commenters, this analysis had not yet been finalized, and no report was submitted to the City nor Fire Department because it was not required as part of the application. The attached memorandum was subsequently

completed on February 26, 2026.

The findings of the analysis indicate that the project represents a small share of overall evacuation demand and would result in a minimal increase in estimated evacuation time, approximately two minutes, when compared to existing conditions.

Although not required, the applicant is providing this memorandum at this time in the interest of transparency.

Sincerely,

Austin Lin, PE
Development Manager
SummerHill Homes
Direct (510) 330-3064 | Mobile (408) 966-2278 | alin@shhomes.com
www.summerhillhomes.com
6101 Bollinger Canyon Road, Suite 425, San Ramon, CA 94583

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HEXAGON TRANSPORTATION CONSULTANTS, INC.

Memorandum

Date: February 26, 2026

To: Mr. Steve Bull, Summerhill Homes

From: Shu hao (Ollie) Zhou, T.E.
Huy Tran, T.E.

Subject: Evacuation Analysis for the Proposed Townhomes at 10857 Linda Vista Drive in Cupertino, CA

Introduction

Hexagon Transportation Consultants, Inc. has completed an evacuation analysis for the proposed townhomes located at 10857 Linda Vista Drive in Cupertino, California. The project would demolish four existing single-family homes on-site and construct 51 townhomes, resulting in a net increase of 47 residential units. Figure 1 illustrates the project site location in relation to the surrounding roadway network. The purpose of this memorandum is to assess whether the proposed project may affect emergency evacuation conditions in the surrounding hillside neighborhood during a hypothetical wildfire event.

Scope of the Study

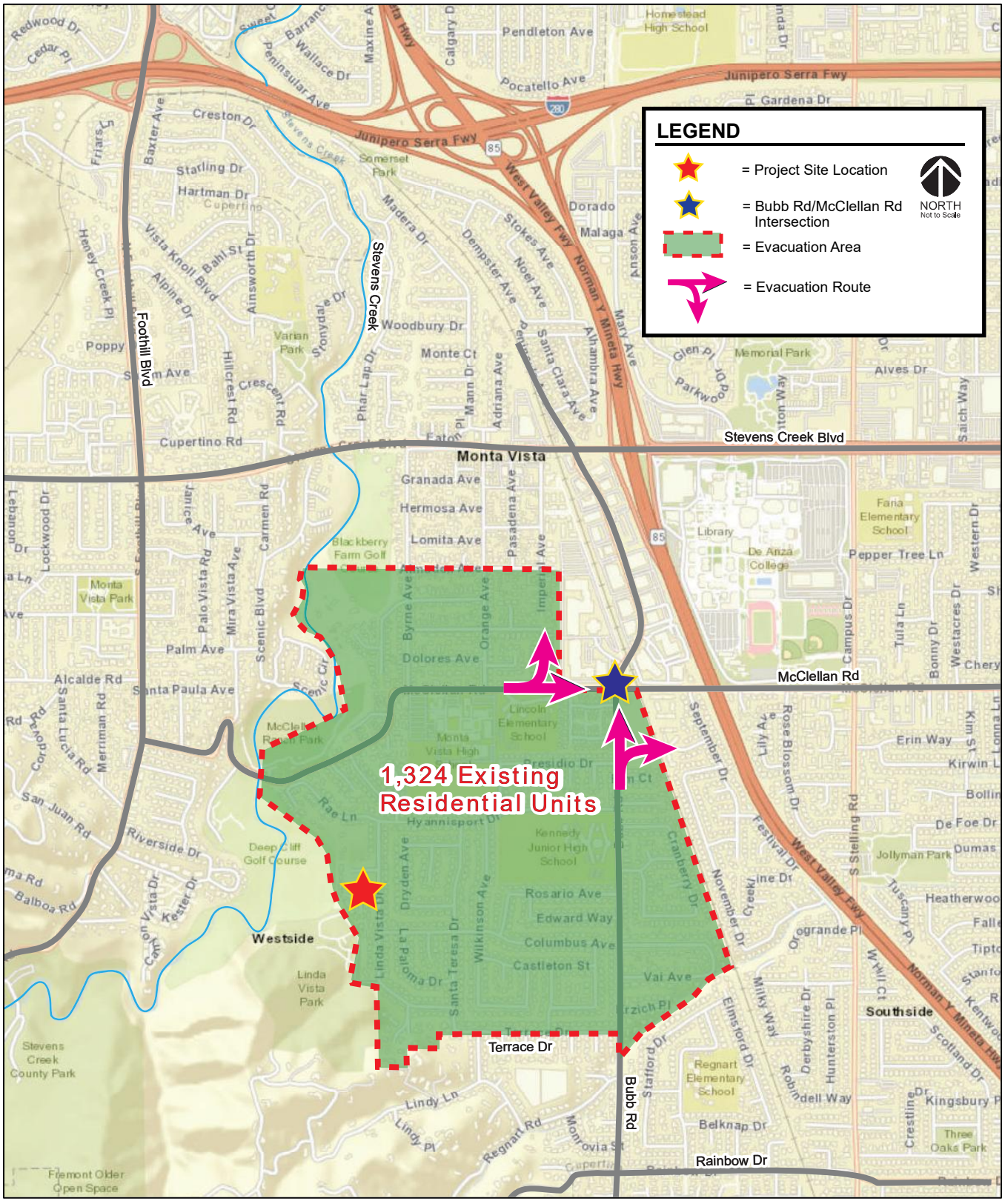
This evacuation evaluation is a non-CEQA technical assessment prepared to address community concerns regarding the proposed project's potential effects on emergency evacuation operations in the Cupertino foothills. The analysis is not required by the City of Cupertino and is intended to provide an informational review of how the project would integrate with existing neighborhood circulation and evacuation routes during a hypothetical wildfire event.

The study defines a reasonable evacuation area based on proximity to the project site and the most likely travel paths connecting the neighborhood to the surrounding collector, arterial, and freeway roadway networks. The evaluation focuses on the project's contribution to overall evacuation demand and evacuation time within this area during an emergency wildfire evacuation.

Background (Housing Element Environmental Assessment)

Wildfire hazards, emergency access, and evacuation planning were evaluated by the City of Cupertino as part of the 2023-2031 Housing Element Environmental Assessment (EA). The Housing Element EA concluded that implementation of the Housing Element would not substantially impair an adopted emergency response plan or emergency evacuation plan.

Figure 1
Project Site Location, Evacuation Area, Routes, and Critical Intersection



Study Limitations

This memorandum provides a high-level evaluation of potential evacuation circulation conditions under a hypothetical wildfire scenario. No detailed traffic modeling or fire behavior simulations were conducted. Instead, this analysis qualitatively assesses the project's relative contribution to overall evacuation demand based on available data, reasonable assumptions, and expected evacuation behavior.

Evacuation Scenario

This evaluation assumes a hypothetical wildfire scenario, presumed to be coming from the Cupertino foothills. There are many different types of emergencies that could require evacuation, and there are other emergencies that could require shelter in place. The wildfire scenario is picked as one of the common emergencies experienced in California requiring evacuations.

It is expected that residents would be receiving their emergency evacuation orders from AlertSCC, Wireless Emergency Alerts (WEA), City of Cupertino website and social media channels, or other sources.

- **AlertSCC:** Santa Clara County's official emergency alert system that provides notifications via text message, email, and voice call.
- **Wireless Emergency Alerts (WEA):** A federal alert system that automatically sends notifications to all cell phones within the affected geographic area.
- **City of Cupertino Website and Social Media Channels:** The City supplements official alerts with real-time updates on its website and verified social media platforms.

Evacuation Routes and Area

The City of Cupertino has identified Foothill Boulevard, Stevens Creek Boulevard, McClellan Road, and Bubb Road as evacuation routes serving the project area, per the City of Cupertino Housing Element Environmental Impact Report (EIR). Per the City's General Plan Mobility Chapter, Foothill Boulevard and Stevens Creek Boulevard are designated arterial roadways, while McClellan Road and Bubb Road are designated major collectors that provide connections between local neighborhoods and the regional roadway system.

In the project vicinity, evacuation traffic is generally expected to access the regional roadway system via one of three routes, depending on location: the Bubb Road/McClellan Road signalized intersection, the Foothill Boulevard/Stevens Creek Boulevard signalized intersection, or Rainbow Drive.

For the evacuation area that includes the project site, as shown in Figure 1, residents would most likely evacuate via the Bubb Road/McClellan Road signalized intersection. Therefore, this intersection was identified as the sole critical evacuation outlet evaluated in this analysis.

Residents located along Foothill Boulevard, west of Stevens Creek (the creek) and south of Stevens Creek Boulevard, would evacuate via the Foothill Boulevard/Stevens Creek Boulevard signalized intersection. Residents located south of Terrace Drive were assumed to evacuate via Rainbow Drive. Neither of these areas would utilize the Bubb Road/McClellan Road signalized intersection; therefore, these areas were excluded from the project evacuation area.

Based on these routing assumptions, the evacuation area was defined to include the homes and neighborhoods most likely to evacuate via the Bubb Road/McClellan Road signalized intersection during a wildfire evacuation (see Figure 1). The evacuation area includes the project site and adjacent

residential neighborhoods and is generally bounded by Almaden Avenue to the north, the Union Pacific Railroad tracks to the east, Terrace Drive to the south, and Stevens Creek (the creek) to the west.

The defined evacuation area contains 1,324 existing residential units (see Figure 1) and is predominantly residential in land use. A worst-case scenario in terms of evacuation traffic generation would occur when all the residents are at home instead of at work/school or other activities during the day. Therefore, the effect of the other land uses such as school, fitness clubs, and small commercial uses are not considered as part of this analysis.

Project Contribution

The proposed project consists of 47 net additional residential units located within an evacuation area containing 1,324 existing residential units. Therefore, the project's share of total evacuation demand represents approximately 3.6% of the overall evacuation traffic expected to use these routes. It should be noted that not everyone would evacuate at the exact same time, and the duration can sometimes span over the course of hours. Therefore, given this minimal increase, the project would not significantly affect evacuation traffic volumes or conditions for this evacuation area when compared to existing conditions.

Evacuation Time Analysis

Evacuation times were estimated using a planning-level, capacity-based approach that evaluates traffic flow through the critical Bubb Road/McClellan Road signalized intersection serving the evacuation area.

Under Existing conditions, evacuation demand is estimated at approximately 2,648 vehicles, based on an assumption of 2.0 evacuation vehicles per household. Under Existing Plus Project conditions, the proposed project would add approximately 94 evacuation vehicles, resulting in a total evacuation demand of approximately 2,742 vehicles.

Evacuation capacity was estimated using a conservative saturation flow rate of 900 vehicles per hour per lane at the critical signalized intersection identified above. Under emergency operations, outbound traffic in the evacuation area would use the eastbound left-turn, eastbound through, and northbound through lanes at the Bubb Road/McClellan Road intersection. These three lanes would provide a combined evacuation capacity of approximately 2,700 vehicles per hour (vph).

Based on the estimated evacuation demand and available capacity, evacuation time is approximately 59 minutes under Existing conditions and would increase to approximately 61 minutes under Existing Plus Project conditions (see Table 1). This represents an increase of approximately two minutes and would not significantly affect evacuation operations when compared to existing conditions.

Sensitivity Analysis

A sensitivity analysis was conducted to compare evacuation demand and evacuation times for the proposed project with a theoretical residential development consistent with existing R-1 zoning.

Under a theoretical R-1 zoning scenario, the project site would include 11 residential units within an evacuation area containing 1,324 existing residential units, representing approximately 0.8% of total evacuation demand. As discussed above, the proposed project represents approximately 3.6% of total evacuation demand within the defined evacuation area. The difference in evacuation demand between the two scenarios is minimal.

Table 1
Estimated Evacuation Times for the Evacuation Area

Scenario	Total Households	Vehicles per Household [1]	Total Vehicles	Evacuation Capacity (vph) [2]	Estimated Evacuation Time (mins)
Existing	1,324	2.0	2,648	2,700	59
Proposed Project (Net)	47	2.0	94	--	--
Existing Plus Project	1,371	2.0	2,742	2,700	61

Notes:
[1] Based on the City of Seaside Evacuation Study dated December 12, 2022 prepared by Hexagon and Rancho Cucamonga Evacuation Assessment dated October 26, 2021 prepared by Fehr & Peers.
[2] Assumes 900 vehicles per hour per lane for for one eastbound left-turn lane, one eastbound through lane, and one northbound through lane at the Bubb Road/McClellan Road signalized intersection.

For evacuation time, the R-1 zoning scenario would generate approximately 22 evacuation vehicles, which, when added to the existing evacuation demand of approximately 2,648 vehicles, would result in a total evacuation demand of approximately 2,670 vehicles. When evaluated against an evacuation capacity of approximately 2,700 vehicles per hour, the estimated evacuation time would be the same as existing conditions at approximately 59 minutes. As discussed above, the proposed project would result in an estimated evacuation time of approximately 61 minutes under Existing Plus Project conditions. The difference in evacuation time between the two scenarios would be minimal.

Overall, differences in evacuation demand and evacuation times between the proposed project and the theoretical R-1 zoning scenario are minimal, and evacuation conditions would be generally comparable under both scenarios.

Fire Prevention Features

The proposed project includes fire access and protection features consistent with the requirements of the City of Cupertino and the Santa Clara County Fire Department. The site layout extends Linda Vista Drive to provide internal circulation for the 51 townhomes and incorporates the following fire safety design elements:

- Emergency vehicle access that meets all applicable turning radius, width, and grade requirements.
- A Fire Department-approved hammerhead turnaround at the end of the private street.
- Driveway and street designs that comply with California Fire Code standards for slope and emergency response clearance.

The proposed street network satisfies the City's emergency access requirements, and the hammerhead turnaround design has been reviewed and approved by the Fire Department.

Since the project is identified as being located in a Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone, the project will be compliant with the requirements of California Residential Code Section R337, *Materials and Methods for Exterior Wildfire Exposure* to enhance the buildings' fire-resistance and reduce wildfire vulnerability. In addition, the project will also provide defensible spaces in accordance with Cal Fire Defensible Space Guidelines and Recommendations.

Conclusion

This evacuation evaluation is informational and does not constitute a formal CEQA analysis.

The proposed project consists of adding 47 net residential units within an evacuation area containing 1,324 existing residential units. Project residents would use the same evacuation routes as surrounding neighborhoods, primarily McClellan Road and Bubb Road, which provide access to the critical Bubb Road/McClellan Road signalized intersection. The results of this evacuation analysis for a wildfire indicate the following:

- The proposed project represents approximately 3.6% of the total evacuation traffic expected to use these routes. Given this minimal increase, the project would not significantly affect evacuation traffic volumes or conditions for this evacuation area when compared to existing conditions.

- The evacuation time analysis indicates that the proposed project would increase overall evacuation time for the evacuation area by approximately two minutes compared to Existing conditions. This minimal increase would not significantly affect evacuation operations at the identified critical signalized intersection.

- The proposed project and a theoretical R-1 zoning scenario would result in similar evacuation demand and evacuation times, with only a minor incremental change in evacuation operations under either scenario.

From: Emi Sugiyama
To: City Clerk
Subject: FW: Linda Vista: 2 story units and applicable COA
Date: Tuesday, March 17, 2026 3:41:33 PM
Attachments: image002.png
image003.png
XB-046_SITE PLAN_2-STORY_10 SETBACK_2026-03-17.pdf

Hello,

Please include this email and attachment as part of the written communications for Item #12 of tonight's City Council meeting and forward to Councilmembers.

-Emi

Emi Sugiyama
Senior Planner
Community Development
EmiS@cupertino.gov
(408)777-3205

From: Bull, Steve <SBull@shhomes.com>
Sent: Tuesday, March 17, 2026 2:20 PM
To: Emi Sugiyama <emis@cupertino.gov>; Luke Connolly <lukec@cupertino.gov>
Cc: Ebrahimi, Kevin <KEbrahimi@shhomes.com>; Lin, Austin <ALin@shhomes.com>
Subject: RE: Linda Vista: 2 story units and applicable COA

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Hi Emi – We would like to propose 2-story homes at locations adjacent to residential neighbors. We propose the following Condition of Approval for discussion with Council tonight:

Proposed COA:

Two-Story Units

The project will incorporate five (5) two-story homes in place of a corresponding number of three-story homes in order to provide a more compatible transition to the adjacent residential neighborhood. These units will be located at the ends of Buildings 5, 7, 8, 9, and 10 where the project directly interfaces with existing homes as shown on the attached exhibit, which shows the locations of the 2-story units and the minimum setbacks to the buildings. These 2-story homes will be at a maximum of 30' high.

To accommodate the two story-units adjacent to the residential neighbors, the minimum setbacks for the affected buildings will be as follows:

- Street Side Setback (Evulich Court) – The minimum setback between the porches and Evulich Court right-of-way will be 2'-0". The setback between the building mass and Evulich Court right-of-way will be 3'-0".
- Front Setback - Along Linda Vista Drive, the minimum setback to the two-story homes will be thirteen (13) feet to the right-of-way.

Please let me know if you have any questions.

Thank you,

Steve

Steven Bull
Vice President of Development
SummerHill Homes
6101 Bollinger Canyon Road, Suite 425, San Ramon, CA 94583
Mobile (510) 410-1188
sbull@shhomes.com / SummerHillHomes.com

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From: Ebrahimi, Kevin <KEbrahimi@shhomes.com>
Sent: Wednesday, March 11, 2026 9:40 AM
To: Kitty Moore <kmoore@cupertino.gov>
Cc: Bull, Steve <SBull@shhomes.com>; Matt Larson <matt@matt-larson.com>; floya@cupertino.gov; Tina Kapoor <tinak@cupertino.gov>; Margo N. Bradish (mbradish@coxcastle.com) <mbradish@coxcastle.com>
Subject: Linda Vista: 2 story units and applicable COA

Good Morning Mayor Moore,

It was good meeting with you this morning. Very much appreciated your time and input on the project.
Per our conversation below is the potential path that could address the requested 2 story plan type and feasibility of the project. In addition I have also included a COA that SummerHill can potentially agree to based on Staff's position on the BMR units. Please see below.

Thank you again,

Kevin Ebrahimi
Senior Vice President of Development
SummerHill Homes
6101 Bollinger Canyon Road, Suite 425, San Ramon, CA 94583
Tel (650) 842-2268• Mobile (650) 815-8240
kebrahimi@shhomes.com / SummerHillHomes.com

Linda Vista - Possible Path to Address Height Reduction and BMR Requirements:

The project qualifies for one concession under the State Density Bonus Law. City staff previously required SummerHill to use that concession to address the BMR Manual requirement that affordable units be "comparable to market rate units in terms of unit type," based on the fact that only Plan Type 1 was proposed for the project rather than a mix of all three Plan Types.
However, there may be an alternative way to address this issue.
First, City staff did not timely raise comparability of unit types based on Plan Type during the consistency review period.
Second, the "comparability" language may not be considered an objective development standard under state housing law.
Third, even if the city determined the requirement applied, the Density Bonus Law allows waivers when a standard would physically prevent the project from being built as proposed.
If the comparability issue could be addressed through a waiver or clarification rather than requiring the project's concession, the project's single concession could instead be used to adjust the BMR affordability levels.
Specifically, this would allow the project's BMR homes to be provided at the moderate-income level rather than split between moderate and median income levels. This adjustment would help offset the financial impact of reducing the height of 5 homes.

Proposed Modification of Approvals
City would determine that no State Density Bonus Law concession is required relative to the

requirement that the affordable units be “comparable to market rate units in terms of unit type.”

City would grant a State Density Bonus Law concession and modify the Project’s Affordable Housing Plan to allow the Below Market Rate (BMR) units to be modified from the currently proposed mix of 50% moderate-income and 50% median-income units to 100% moderate-income units.

Proposed COA:

Two-Story Units and BMR Affordability Levels

The project will incorporate five (5) two-story homes in place of three-story homes in order to provide a more compatible transition to the adjacent residential neighborhood. These units will be located at the ends of Buildings 5, 7, 8, 9, and 10 where the project directly interfaces with existing homes as shown on the plans. These homes will be at a maximum of 30’ high.

To accommodate the two story-units, the minimum setbacks for the two-story units will be as follows:

- Side Setback – The setback between the two-story homes and side property line adjacent to existing residential properties will be eight (8) feet.
- Front Setback - Along Linda Vista Drive, the setback to the two-story homes will be thirteen (13) feet or greater to the property line.

In conjunction with this modification, the affordability levels of the project’s Below Market Rate (BMR) units will be modified from the currently proposed mix of 50% moderate-income and 50% median-income units to 100% moderate-income units.

CUPERTINO HILLS SWIM & RACQUET CLUB
APN: 356-07-027

DERCHANG
APN: 356-07-036

CITY OF CUPERTINO
APN: 356-05-005

BLDG 1
BLDG 2
BLDG 3
BLDG 4
BLDG 5
BLDG 6
BLDG 7
BLDG 8
BLDG 9
BLDG 10

A STREET
B STREET
C STREET
D STREET
E STREET

EVULICH COURT
(PUBLIC ROAD)

LINDA VISTA DRIVE
(PUBLIC ROAD)

BARRY
APN: 356-06-026

KOPARDEKAR
APN: 356-00-025

RODRIGUES
APN: 356-06-024

FANTOZZI
APN: 356-06-020

LEGEND

- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- CENTER LINE
- ADJACENT PROPERTY LINE
- EXISTING RIGHT OF WAY
- LOT LINE
- 3-STORY UNIT
- 2-STORY UNIT

ABBREVIATIONS

BLDG	BUILDING
CL	CENTERLINE
PL	PROPERTY LINE
PO	PORCH

SETBACK SITE PLAN

10857 LINDA VISTA DRIVE

CITY OF CUPERTINO SANTA CLARA COUNTY CALIFORNIA

SCALE: 1" = 20' DATE: MARCH 17, 2026

0 20 40 60

cbg CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS
SAN RAMON ▪ (925) 866-0322
ROSEVILLE ▪ (916) 788-4456
WWW.CBANDG.COM

From:	S PB
To:	City Council; City Clerk; Cupertino City Manager"s Office; Tina Kapoor; Luke Connolly; Benjamin Fu; Chad Mosley; A4H Americans4Hindus
Subject:	Fire safety Concerns !!
Date:	Tuesday, March 17, 2026 3:49:27 PM

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 Council Members,

I am writing to raise serious fire safety concerns regarding the Evulich Court project, which proposes 51 townhomes in a Very High Fire Hazard Severity Zone.

The developer was granted a reduction of the required 30-foot wildfire setback to just 10 feet along boundaries adjacent to existing single-family homes. To date, neither the Cupertino Planning Department nor the Santa Clara County Fire Department has provided documented technical analysis demonstrating that a 10-foot setback offers equivalent protection to the 30-foot standard.

The Alternative Means and Methods Report (AMMR) — the sole basis for the project's fire safety claim — was filed, accepted, and reviewed in a single day, with no evidence of thorough technical scrutiny by the Santa Clara County Fire Department. Additionally, the AMMR lacks the required signature from the City's Building Official, making it administratively incomplete.

A City of Cupertino traffic study indicates that local roads already exceed 200% of capacity during wildfires. Neither the AMMR, which is incomplete, nor the traffic study has been entered into the Planning Commission record. Why has this essential information been omitted?

Post-disaster analysis of the 2023 Lahaina fire identified building spacing as the single most critical factor in fire spread. The surrounding older homes — with combustible siding and minimal ember protection — are not addressed in the AMMR's proposed mitigation measures.

Residents of Linda Vista and the surrounding neighborhood are seeking transparency. We need to know where the fire safety documentation and official approvals from both the City and the Fire Department are for the **entire community**, not just the new units.

Thank you for your time and attention.

From: Cupertino ForAll
To: City Council
Cc: City Clerk; Cupertino City Manager"s Office
Subject: Agenda Item 12. Urging Approval for 51-unit Townhome Project on Linda Vista Drive
Date: Tuesday, March 17, 2026 1:35:23 PM
Attachments: image.png

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Please include in Written Communications for City Council Meeting on March 17, 2026.

_____

Dear Mayor Moore, Vice Mayor, and Councilmembers,

Subject: Support for SummerHill Townhomes on Linda Vista Drive

Cupertino For All is a local group of volunteers that advocates for sustainability, equity, and inclusive housing in our city. We have seen the plans for the SummerHill townhomes on Linda Vista Drive and we fully support the project for the following reasons.

1. The project is proposed for Priority Housing Sites 25-28 that are included in Cupertino's state-mandated Housing Element. The applicant has chosen to build at the lowest density allowed in the Housing Element. Alternatively the site could be built to 4-5 stories.
2. Townhomes are an important type of starter home and Cupertino needs this type of housing for families that overwise could not afford to live in the area.
3. New students in this west-side neighborhood would be very welcome at the nearby schools that are facing declining enrollment, namely Lincoln Elementary, Kennedy Middle School, and Monta Vista High School.
4. The location is conveniently close to Linda Vista Park and McClellan Ranch, and is walkable to all the local schools. The applicant is willing to create a trail connection for easy access to Linda Vista Trail that would benefit the whole neighborhood.
5. The project would add over 50 new households to enrich our community.

We urge the City Council to approve the SummerHill Townhome project by taking the Recommended Actions under Item 12 on the City Council Agenda for March 17, 2026.

Sincerely,

Cupertino For All

Board of Directors

From: Bruce Su
To: City Council
Cc: Public Comments
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No
Date: Tuesday, March 17, 2026 11:20:22 AM

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Hi there,
I vote No on Evulich Ct. development.

Thanks,
Bruce

From: Janet Zhang
To: City Council
Cc: Public Comments
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No.
Date: Tuesday, March 17, 2026 11:13:38 AM

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 there,
I live in the neighborhood and vote NO on Evulich Ct. development.

Thanks,
Yueqiao

From: yangmisc@comcast.net
To: City Council
Cc: Public Comments
Subject: Evulich Ct. Development
Date: Tuesday, March 17, 2026 11:03:05 AM

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 Council Members –

We oppose the proposed development on Evulich Court. It presents a fire safety hazard to the community – a finding that is supported by available safety data. Accordingly, the development should NOT be approved absent compliance with applicable fire safety regulations.

Thank you for your attention to and cooperation in this matter.
Stephen and Anne Yang
10817 Linda Vista Drive

From: Rocky Gunderson
To: Public Comments
Subject: Euvilich Court Development
Date: Tuesday, March 17, 2026 10:18:39 AM

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 Cupertino City Council:

Tonight a number of residents living nearby the Euvilich Ct proposed development will present pertinent information about the serious fire safety issues arising from the size and scope of the Summerhill housing development proposal. These are compelling issues that I hope you will pay serious attention to. But moreso, I am asking that, rather than falling back on the excuses that nothing can be changed at this point because (1) the development requirements were established prior to the recent redesignation of the neighborhood as a very high to highest fire danger level, and (2) the state finally approved Cupertino's affordable housing plan and the city could be penalized if it changes its plan after the act, you embrace your role as civic leaders and respond to these real issues with common sense solutions rather than avoiding any challenge to state bureaucracy. As we learned from the recent fires in southern California, short-sighted attitudes that ignore real evacuation dangers and fire-fighting shortage of resources have and will continue to endanger the lives and property of people in our neighborhood.

At the recent Planning Commission meeting the neighborhood residents presented compelling data about the challenges of evacuating the neighborhood in the case of fire or other emergency. If you are not familiar with the neighborhood, please note that it is built in the shape of a U, and all cars exiting the neighborhood eventually must merge onto McClellan Road, Rainbow Drive and/or Bubb Road. These are effectively two lane roads that already back up and cause exit delays of many minutes during school pick up/drop off and regular commute times. Should the entire neighborhood need to evacuate in an emergency the residents would be trapped for close to an hour. When this data was presented in very detailed, analytical format the developers cavalierly responded by looking at a google on a phone and saying that they saw at least 5 routes to get out of the neighborhood. Please note that any of those routes, Hyannisport, Columbus, Terrace, Linda Vista all empty out onto the two-lane roads mentioned above.
Imagine what these routes would look like should the neighborhood have to evacuate.

Please take your responsibilities as civic leaders seriously and pay attention to the current data about fire risks. Most notably, seriously examine the real evacuation challenges the proposed development would add to the already congested roads. Do what it takes to modify the housing element solution so that Cupertino can meet its affordable housing requirements in a safer and more responsible manner. Do not approve the Summerhill design as it stands! Certainly a development of 60% of the current proposed 51 units, say 30 units, would contribute to the affordable housing responsibility while significantly reducing the danger inherent in the current proposal. Those units could be less densely situated, the development would add approximately 60 cars per commute time rather than 100, and more space would be available for emergency vehicles. My point is the neighborhood is not *against* developing Euvilich Court; We are against the magnitude of the development for sane, safe reasons.

I encourage you to take your responsibility seriously and promote the safety of the residents over the arbitrary requirements of state authorities.

Respectfully,
Rocky Gunderson
22074 Baxley Ct

From: Tracy K
To: City Council; Tina Kapoor; City Clerk
Subject: Agenda item 12 written comments — new information
Date: Tuesday, March 17, 2026 10:12:06 AM

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

Dear City Council, City Manager, and staff:

While I serve on the Cupertino Planning Commission, in this email I write only on behalf of myself.

Since the Feb 24th public hearing on the Evulich property (approved 3-2), I have received new information:

New information #1: There are strongly differing opinions on how AB130 should be implemented. Last week, a representative from the same environmental consulting firm that did the Evulich AB130 exemption adamantly stated to 100+ planning commissioners during the Planning Commissioners Academy: very high fire hazard zone developments should NOT be exempt from CEQA via AB130.

The above information raises new questions:

1. Is there a discretionary element to AB130? How can some local agencies with very high fire hazard zone projects refuse to exempt projects from CEQA via AB130, while other cities exempt them? Why is this new rule being implemented inconsistently?

2. Who is the final arbiter of AB130 applications? Is it the consultant hired by the developer? Is it the fire department? Or is it the local agency, the city? The application put forth by the consultant is done from the perspective of the developer. All information points back to the city as the final approver of AB130 applications.

On one hand, you have the spirit of the law, which was meant to streamline development projects done safely in infill areas that are not in very high fire hazard zones. On the other hand, you have the real-world application of the law -- exceptions upon exceptions tacked on to thread development projects through AB130 and get to a "yes, this is exempt" answer.

Given this new knowledge that there are very staunchly differing opinions on AB130, all information points to the city as the one that must determine whether the interpretation that sits before us is a proper interpretation, or an incorrect application intended to push through a project that the law never intended to allow.

3. How do we want to treat all AB130 applications going forward? AB130 is a new law with very little precedent. Of the many planning commissioners I met at the conference, only one had ever seen an AB130 project. If very high fire hazard zone projects are allowed to be exempt via AB130, what other types of projects will we allow to be exempted? Projects on hazardous waste sites? Projects near earthquake faults? The decision made around Evulich sets a precedent for future decisions.

New information #2: Evacuation study: Planning Commission did not have the evacuation study, completed September 2025, during the 2/24 Evulich hearing. The evacuation study showed that roads in the tri-school Linda Vista area are severely overburdened. While the study was not focused on the Linda Vista area, it is reasonable to conclude, given the high volume-to-capacity constraints around Bubb Road and McClellan, that a focused study on the Linda Vista area would yield similar results.

I share this new information on behalf of myself only, and not as a reflection of anyone else's decision regarding Evulich. I believe in having full information before going into a decision. The intent of this information is simply to give Council a fuller picture of the situation at hand.

Respectfully,
Tracy Kosolcharoen
Cupertino Resident

From: Meichu H
To: City Clerk
Subject: Fwd: City Council 3/17 Agenda #12 Evulich Ct Emergency Safety Concerns, Please Vote No
Date: Tuesday, March 17, 2026 9:44:08 AM

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

Dear City Clerk,

Please include the following email for 3/17 written communications for Item 12.

Thank you,
MeiChu Huang

Begin forwarded message:

From: Meichu H <TheMeiChu@gmail.com>
Subject: City Council 3/17 Agenda #12 Evulich Ct Emergency Safety Concerns, Please Vote No
Date: March 14, 2026 at 11:08:35 PM PDT
To: CityCouncil@cupertino.gov, kmoore@cupertino.gov
Cc: publiccomment@cupertino.gov

TO: Cupertino City Mayor and Council
FROM: Residents of Cupertino
Date: March 14, 2026
Sub: City Council 3/17 Agenda #12 Evulich Ct Emergency Safety Concerns, Please Vote No

Dear Mayor and City Council,

I am writing to express urgent concerns regarding the proposed 51-unit townhome project at 10857 Linda Vista Drive. The current approval process contains a critical safety flaw: the City has concluded that "no evacuation study has been required or reviewed" simply because it lacks its own "adopted objective standards" for evacuation. This administrative loophole ignores the site's June 2025 designation as a Very High Fire Hazard Severity Zone (FHSZ).

The project's safety analysis relies almost entirely on building construction standards, such as fire-resistant materials and modified sprinklers. While these may improve structure survivability, they do nothing to address neighborhood-wide evacuation capacity. The Transportation Study focuses on fire truck access via a "hammerhead turnaround" but fails to analyze how 100+ additional resident vehicles will safely exit onto Linda Vista Drive during a wildfire emergency.

Furthermore, the City is allowing the developer to defer the Final Fire Protection Plan (CFC 4903) until the building permit stage. This prevents the Council from evaluating critical wildfire risk mitigations before density and site plans are

finalized. This is particularly concerning given that the project already received an exception to PRC 4290, allowing for non-conforming setbacks in this high-risk area.

Under Government Code Section 65913.4(a)(6), projects in a Very High FHSZ must adopt specific fire hazard mitigations to qualify for CEQA exemptions. Relying on construction materials while refusing to study evacuation flow is a failure of public safety. I urge the Council to mandate a formal Wildfire Evacuation Capacity Study as a condition of approval.

Respectfully,

Meichu Huang

From: Alice Lin
To: City Clerk
Subject: Fwd: City Council 3/17 Agenda #12 Linda Vista Drive Safety
Date: Tuesday, March 17, 2026 9:41:34 AM

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

Dear City Clerk,
Please include the following email for written communications for Item 12.
Thank you,
Alice Lin

Begin forwarded message:

From: Alice Lin <alice.hhlin@gmail.com>
Subject: City Council 3/17 Agenda #12 Linda Vista Drive Safety
Date: March 14, 2026 at 11:03:11 PM PDT
To: CityCouncil@cupertino.gov, kmoore@cupertino.gov
Cc: publiccomment@cupertino.gov

TO: Cupertino City Mayor and Council
FROM: Residents of Cupertino
Date: March 14, 2026
Sub: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No

Dear Mayor Moore and Members of the Cupertino City Council,

I am writing to formally express grave concerns regarding the proposed 51-unit townhome project at 10857 Linda Vista Drive (TM-2024-009). The Staff Report's conclusion that **"no evacuation study has been required or reviewed"**because the City lacks "adopted objective standards" is an unacceptable prioritization of administrative loophole over resident safety.

The Council must address the following critical flaws in the current approval process:

1. **Failure to Address the "Very High FHSZ" Baseline** In June 2025, the City adopted updated CAL FIRE maps designating this specific parcel as a **Very High Fire Hazard Severity Zone (FHSZ)**. This updated baseline fundamentally changes the safety obligations under **Government Code Section 65913.4(a)(6)**. The City's reliance on an Environmental Assessment from July 2024—conducted when the site was only "High" risk—is outdated and fails to account for the increased severity of the hazard now officially recognized.

2. **Building Codes are Not Evacuation Plans** The project claims safety consistency based on **Chapter 7A of the California Building Code** and **PRC Sections 4290 and 4291**. However, these standards focus on **structure survivability**, not the ability of

51 new households to exit onto Linda Vista Drive during an emergency. While the Fire Department approved a "hammerhead turnaround" for fire trucks to enter, there has been zero analysis of how 100+ additional resident vehicles will safely evacuate the neighborhood simultaneously.

3. **Improper Deferral of the Fire Protection Plan (CFC 4903)** The Santa Clara County Fire Department has conditioned the project to provide a **"Final Fire Protection Plan"** consistent with **CFC 4903**. Shockingly, the City is allowing this critical safety analysis to be submitted at the **building permit stage**, long after the City Council has lost its discretionary power to reduce density or require significant site plan changes. Safety mitigations must be identified *before* approval to ensure they are actually feasible.

4. **Circumventing the Housing Accountability Act (HAA)** Under the HAA, the City can only disapprove or reduce the density of this project if it finds a **"specific, adverse impact upon the public health or safety"**. By claiming it has "no objective standards" for evacuation, the City is intentionally avoiding the very analysis that would likely provide the "preponderance of evidence" needed to make such a safety finding.

Conclusion Public safety is not a "non-objective" concern. State law, including **GC 65302(g)(5)**, requires that the City ensure adequate evacuation routes in FHSZs. We urge the Council to mandate a formal **Wildfire Evacuation Capacity Study** as a condition of approval. The City cannot grant **PRC 4290 exceptions** for reduced setbacks while simultaneously refusing to study the resulting evacuation risks.

Respectfully,

Alice Lin

From: Rhoda Fry
To: Public Comments
Subject: 3/17/2026: Agenda Item #12 Linda Vista
Date: Tuesday, March 17, 2026 6:52:05 AM

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.

Regarding agenda #12, Linda Vista, please include all PRAs (published and unpublished) pertaining to this project as part of the administrative record for this meeting, especially NR 26-73, NR 26-74, NR 26-78, NR 26-79, NR 26-80. The enumerated items are at this link below.
https://www.dropbox.com/scl/fo/qc71ahb78oa05r2ez3ttj/AJD7eTD4PLQrShpzrQFwo7s?rlkey=gvoz2j0x2orfbeeafb4lgu7hu&st=v7xtvi8u&dl=0

From:	Joan Cummings
To:	City of Cupertino Planning Commission; City Council; City Clerk
Subject:	Linda Vista Development Approval
Date:	Tuesday, March 17, 2026 5:40:21 AM

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

Dear Planning Commission and City Council:

I live at 22034 Baxley Ct adjacent to the proposed development on Linda Vista of 51 townhomes on the Evulich property.

In early 2025 Baxley Ct and adjacent properties were redrawn as Very High Fire Danger Property. As a result of this measure our property is now considered a very high fire danger property. In early 2025 our homeowner's insurance increased from $1,700 to $4,200. We all know the difficulty of even obtaining home owner's insurance today, not to mention the extremely high cost of the premiums. Please consider the impact on both Fire Safety as well as the financial burden of adding an additional 51 high density homes into a relatively small parcel with only one road in and out. They

There have been many changes to the insurance landscape and hardening of homes against wild fire risks since the Palisades Fire a year ago. Please take a look again at the issues involved in putting high density housing in an area that wasn't built with the infrastructure to accommodate it.

Additionally, it has been pointed out that the townhomes at the Linda Vista project are going to be "starter" homes for new families moving into Cupertino. Please note the developer said the average size of the homes were between 2400-2700 square feet. As this is larger than many of the homes in the existing neighbor hood they hardly seem starter homes.

We encourage you to vote against the project as it has many lasting ramifications.

Sincerely,
Joan and Craig Cummings

From: louise saadati
To: City Council; City Clerk
Subject: Regular Meeting 3/17/26 Item 12, 3rd Action Item
Date: Tuesday, March 17, 2026 1:42:23 AM

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

Please include this email in the written communications for the Regular Meeting on 3/17/26 Item 12

Dear Mayor Moore, Vice-Mayor Chao and Councilmembers:

Please support and expedite the Evulich Court project. It is included in the Housing Element and Cupertino needs to meet the housing requirement set by HCD by June 2026.

The townhomes for those projects will enable families to buy starter homes much less expensive than single family homes.

This project will help fill the schools in close proximity (Lincoln Elementary, Kennedy Middle School and Monta Vista High School.). We must work to reverse the declining student enrollment in Cupertino, which led to Regnart Elementary closing.

Please help create a pedestrian connection between Linda Vista Trail and this project. Access should be created between this project, Linda Vista Trail, McClellan Ranch and the adjacent tennis and swim club. We need pathways that facilitate walking, biking and community integration.

Thank you for your service in expediting this project to completion and to include the above points to meet the HCD housing requirements and to help open and integrate our communities.

Louise Saadati
40 year resident of Cupertino

Sent from my iPhone

From:	Griffin
To:	Floy Andrews; City Attorney"s Office; Public Comments
Cc:	City Clerk
Subject:	2026-03-17 City Council Meeting - Item 12 Councilmember Mohan should Recuse
Date:	Monday, March 16, 2026 10:47:06 PM

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

PLEASE INCLUDE THIS EMAIL AS PART OF WRITTEN COMMUNICATION FOR THE ABIVE MEETING AGENDA ITEM.

Dear City Attorney Floy and City Council,

It has been a requirement in the past that members of the City Council who live 1000 ft. or less from a development project recuse themselves from voting on items related to the project.

Vice Mayor Chao recused herself from voting on the Vallco project.

Mayor Moore recused herself from voting on the CUSD Finch property.

Rod Sinks recused himself from voting on an Apple related project because his wife worked for Apple.

REQUEST: Councilmember Mohan should recuse herself from voting on Item 12, the Evulich/Linda Vista Project because her home is within 1000 ft. of the property and it could impact her financially by affecting the value of her home.

Sincerely,
Peggy Griffin

From: char marshall
To: Public Comments
Subject: Fwd: Linda Vista Housing Project -Evulich court
Date: Monday, March 16, 2026 10:01:27 PM

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.

Forwarding my public comment to the correct email address.

char.marshall23@gmail.com
Lucky is the one who loves others, enjoys life, finds pleasure in little things, notices the world around them, has zest, inquisitiveness and purpose, brings happiness and joy to others, likes nature, lives simply, stretches in the sun, naps in the shade, takes care of business, and is self-sufficient

---------- Forwarded message ---------
From: **char marshall** <char.marshall23@gmail.com>
Date: Mon, Mar 16, 2026 at 9:57 PM
Subject: Linda Vista Housing Project -Evulich court
To: City Council <CityCouncil@cupertino.gov>
Cc: <publiccomment@cupertino.gove>

To whom it may concern:

It is completely irresponsible for the Council to ignore the findings of the City's study on fire evacuation for the Linda Vista Corridor. Please vote no on the Evulich proposal tomorrow and review the Fehr and Peers study and insist that the city review it as well.

As a resident on Linda Vista, I know that there could be a decent housing project on Evulich Court, but adding 51 townhomes and the amount of additional people potentially needing evacuation in case of a fire is not reasonable.

The plans should be reconsidered, with more concern for safety of the residents currently living in the corridor.

Regards,
Charean Marshall

char.marshall23@gmail.com
Roving Marshalls travel adventures

From: Patrick Sheehy
To: City Council
Cc: Public Comments
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No
Date: Monday, March 16, 2026 9:31:37 PM

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 Council member,

My name is Patrick Sheehy, and I live with my wife just 2 houses south of the proposed development. My main concern regarding the Evulich Court development is fire.

Linda Vista Park is just a few hundred yards south of the Summerhill development, and the Deep Cliff Golf Course is adjacent on the back side. If a fire were to start in strong winds in Linda Vista Park and/or along the heavily wooded Stevens Creek – Golf Course area, there would be little time to contain the blaze before it spread to one, then another, of the 51 townhomes.

And then what do I and my neighbors do? If I evacuate right away, I might be able to take one of my cars to escape. If not, then I would have to walk because the streets would become impassable very quickly. And at age 85 I don't walk very fast anymore, let alone run...

Might we at least wait until the new fire regulations are in place?

Sincerely,

Patrick Sheehy

From:	Venkat Ranganathan
To:	Public Comments; City Council; Tina Kapoor
Subject:	Request to Remove Purple-Marked Bike Lane Projects from Attachment D of ATP
Date:	Monday, March 16, 2026 9:25:20 PM

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

Dear City Council of Cupertino,

I am a Cupertino resident, and I respectfully oppose the purple-marked bike lane projects in Attachment D. These projects reduce essential curb parking, create safety risks, and disrupt school access. I request that all of them be removed from the ATP.

Projects to remove: • Homestead Rd – buffered/separated lanes • Stevens Creek Blvd – separated lanes • Stelling Rd – buffered/separated lanes • Blaney Ave – buffered lanes • Bollinger Rd – buffered lanes • Foothill/Wolfe – separated lanes • Bonny/Pepper Tree – school-area lanes • Mary/McClellan – school routes

Key concerns: • Loss of curb parking for seniors, guests, caregivers, and deliveries. • Emergency access impeded by concrete barriers, especially near Westport senior housing and the De Anza clinic. • Major disruption to Faria Elementary drop-off for 600+ students. • The City's scoring system penalizes parking removal; these projects do not meet that standard.

Better alternatives: • Technology-corridor improvements • Safer crosswalks and intersections • Targeted school-area safety measures

Request: Please remove all purple-marked bike lane projects from the ATP. Thank you for prioritizing families, seniors, and community safety.

Thanks

Regards

Venkat Ranganathan

From: Avi Sachs
To: City Council
Cc: Public Comments
Subject: City Council 3/17 Agenda #12 Linda Vista Drive - Vote NO
Date: Monday, March 16, 2026 8:52:20 PM

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 Mayor and City Council Members,

I am writing to formally object to the proposed development at 10857-10887 Linda Vista Drive (Evulich Court). The City Council must vote NO on this project until a comprehensive and transparent review of the October 2025 Fehr & Peers fire safety study is conducted and entered into the public record.

The Planning Commission's 3-2 approval on February 24 was fundamentally flawed because it failed to account for critical safety data. According to the Fehr & Peers study, the evacuation demand on our local corridors already exceeds 200% of capacity. Approval of this high-density project in a Very High Fire Hazard Severity Zone (VHFHSZ) without addressing these findings is a failure of due diligence.

Expert modeling suggests a 93-minute evacuation time for this area, while the survivable window in a fast-moving wildfire is estimated at only 30 minutes. Adding 51 townhomes to an overloaded evacuation route is a direct threat to the safety of both new and existing residents.

I urge the Council to prioritize public safety over developer interests. Please vote NO on Agenda Item #12.

Sincerely,

Avi Sachs
Linda Vista Drive Resident

From: Nick Kau
To: City Council; Public Comments
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No
Date: Monday, March 16, 2026 8:30:21 PM

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

Dear City Council Members,
I am writing to express my strong opposition to SummerHill Homes' application to construct a 2700 square foot residence. This proposed dwelling is substantially larger than any existing single-family home in the Linda Vista Neighborhood.
This project appears to be for the construction of a mansion, not a starter home, directly contradicting statements made by Council Member JR Fruen. Such out-of-scale developments are not consistent with the established character of our community.
I respectfully urge the City Council to cease using urban density reform policies in a manner that polarizes and divides our community.
For these reasons, I request that you vote against SummerHill Homes' application.
Sincerely,
A Concerned Resident of the Monta Vista Neighborhood Association

From: Liang-Hui Yang
To: City Council
Cc: Public Comments
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No
Date: Monday, March 16, 2026 8:20:05 PM

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

Please vote no to the project. SummerHill Home's application of building 2700sf home is larger than any of single house in Linda Vista Neighborhood. They are building mansions; they are not starter homes as Council member JR Fruen is claiming. City Councilors must stop using urban density reform polarizing the community.

Respectfully yours
A concerned resident living at Monta Vista neighborhood

From: Liang-Hui Yang
To: citycouncil@copertino.gov
Cc: Public Comments
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No
Date: Monday, March 16, 2026 8:16:27 PM

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

Please vote no to the project. SummerHill Home's application of building 2700sf home is larger than any of single house in Linda Vista Neighborhood. They are building mansions; they are not starter homes as Council member JR Fruen is claiming. City Councilors must stop using urban density reform polarizing the community.

Respectfully yours
A concerned resident living at Monta Vista neighborhood

From: Amber Palekar
To: City Council
Cc: Public Comments
Subject: Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No.
Date: Monday, March 16, 2026 7:39:55 PM

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,

My Vote is a "No" on City Council 3/17 Agenda #12 Linda Vista Drive

Regards,
--Amber Palekar

From: Tao Huang
To: Public Comments
Cc: City Council
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No
Date: Monday, March 16, 2026 7:38:26 PM

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 Sir and Madam,

I am reaching out as a Linda Vista Drive resident with serious concerns about the Evulich Court development and the fire safety risks it poses to our community. I understand that developers and their attorneys have worked to structure this project in ways that sidestep certain regulations — but I urge the council not to mistake legal loopholes for ethical clearance. The city's obligation to keep its residents safe does not disappear simply because someone found a cheating workaround. That responsibility rests with you, and we are counting on you to uphold it.

I also want the council to know that you will not be standing alone if this goes sideways legally. Should Big Real Estate choose to pressure or pursue litigation against the city for taking a principled stand, the residents of Cupertino will be right there with you — at meetings, on record, and in full support. We back leaders who back us. Please hold the line on Evulich Court.

Best,

Taowei Huang
10976 Linda Vista Dr.

From: Cynthia
To: City Council
Cc: Public Comments
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No
Date: Monday, March 16, 2026 7:27:10 PM

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: Cupertino City Mayor, Vice Mayor and Council Member
CC: Public Comment record
From: concerned residents of Cupertino

Vote No to the project. SummerHill Home's application of building 2700sf home is larger than any of single house in Linda Vista Neighborhood. They are building mansions; they are not starter homes as Council member JR Fruen is claiming. City Councilors must stop using urban density reform polarizing the community.

Respectfully yours
Cynthia Chou
A concerned resident living at Cupertino neighborhood

From: Kevin Yu
To: City Council
Cc: Public Comments
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No
Date: Monday, March 16, 2026 7:12:03 PM

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: Cupertino City Mayor, Vice Mayor and Council Member
CC: Public Comment record
From: concerned residents of Cupertino

Please vole no to the project. SummerHill Home's application of building 2700sf home is larger than any of single house in Linda Vista Neighborhood. They are building mansions; they are not starter homes as Council member JR Fruen is claiming. City Councilors must stop using urban density reform polarizing the community.

Respectfully yours

A concerned resident living at Monta Vista neighborhood

From: J Shearin
To: City Council; Cupertino City Manager"s Office; City Clerk
Subject: Evulich Court March 17, 2026, Agenda item 12
Date: Monday, March 16, 2026 6:36:32 PM

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

Dear City Council and Mayor Moore,

It appears that the developer has included a way for neighbors to have access to the Linda Vista Trail as part of the development. As a former Parks and Recreation Commissioner, I know that our residents prioritize access to trails. Our own Parks and Recreation Master Plan from 2020 states that 80% of residents "favored adding trails and pathways." I ask that this pathway stay as part of the development going forward.

Sincerely,

Jennifer Shearin
Cupertino resident

From: Connie Cunningham
To: City Council
Cc: City Clerk
Subject: 2026-03-17 CC Agenda Item 12, Evulich Court Townhome development (Summerhill)
Date: Monday, March 16, 2026 6:01:38 PM

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.

2026-03-17 CC Agenda Item 12, Evulich Court Townhome development (Summerhill)

Dear Mayor Moore, Vice Mayor, and Councilmembers:

I urge you to approve all recommendations for this project.
Recommended Action: 1. Find the project exempt from the California Environmental Quality Act (CEQA);
2. Make the required findings of No Net Loss (SB 166); and
3. Approve the following permits:
a. Adopt Resolution No. 26-029 approving Tentative Final Map (TM-2024-009) (Attachment A);
b. Adopt Resolution No. 26-030 approving Architectural & Site Approval Permit (ASA-2024-015) (Attachment B); and
c. Adopt Resolution No. 26-031 approving Tree Removal Permit (TR-2024-044) (Attachment C).

Evulich Court is currently vacant land. An important aspect is that Evulich is included in Housing Element, so has been considered for homes for several years. Recommendations of No Net Loss refer to the issue that Cupertino is not building the required number of homes, specifically, Below Market Rate (BMR) homes.

Affordability

This project will add many townhomes that are less expensive that single family homes. It will also add 10 below market rate for-sale homes.

- 51 townhomes - 10 BMR units .Project is at lowest density allowed in the Housing Element - alternative is 4-5 story apartments/condominiums

Community

- Starter homes for young families - Townhomes - more affordable than the surrounding single family homes.
- Close to Lincoln Elementary, Kennedy Middle School and Monta Vista High School - all of which have declining enrollments.

Transportation

*Existing roads work well for this new development.
*Strongly urge approval of a pedestrian connection between the project and adjacent Linda Vista

Trail. The applicant is requesting that the cost to construct the trail connection, not to exceed $377,00023, the estimated construction cost of the trail connection improvements, be applied to the required in-lieu fee, reducing the required fee to $1,621,000.

Sincerely,

Connie L Cunningham
38 year resident
Chair, Housing Commission, speaking for myself only.

From: Helene Davis
To: City Council; City Clerk; Cupertino City Manager"s Office
Subject: March 17, 2026 - Agenda Item #12
Date: Monday, March 16, 2026 5:11:12 PM

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

Dear City Council,

I am writing in regards to the Evulich Court development on Linda Vista Drive. The developer has included access to the Linda Vista Trail from the court and I ask that it stay as part of the development. As a former Parks and Recreation commissioner, I recall that connectivity to our public spaces was always a top priority for our citizens.

Respectfully,

Helene Davis

From: Niart Potsnon
To: City Council
Cc: Public Comments
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No
Date: Monday, March 16, 2026 4:50:30 PM

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: Cupertino City Mayor, Vice Mayor and Council Member
CC: Public Comment record
From: concerned residents of Cupertino

Please vole no to the project. SummerHill Home's application of building 2700sf home is larger than any of single house in Linda Vista Neighborhood. They are building mansions; they are not starter homes as Council member JR Fruen is claiming. City Councilors must stop using urban density reform polarizing the community.

From: Sherry Pai
To: City Council
Cc: Public Comments
Subject: City Council 3/17 Agenda #12 Linda Vista Drive, Vote No
Date: Monday, March 16, 2026 4:39:41 PM

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: Cupertino City Mayor, Vice Mayor and Council Member
CC: Public Comment record
From: concerned residents of Cupertino

Please vole no to the project. SummerHill Home's application of building 2700sf home is larger than any of single house in Linda Vista Neighborhood. They are building mansions; they are not starter homes as Council member JR Fruen is claiming. City Councilors must stop using urban density reform polarizing the community.

Respectfully yours
A concerned resident living at Monta Vista neighborhood

From: Debbie Timmers
To: Public Comments; City Council; City Clerk
Subject: Regular Meeting, Evulich Court, Item 12, 3rd Action
Date: Monday, March 16, 2026 4:26:26 PM

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 Mayor Moore, Vice Mayor Chao and Councilmembers:

I am a 10 year Cupertino resident and I encourage you to approve the staff recommendation for this topic. When I moved here, I appreciated the higher-density housing my family could actually afford and I want others to have that same opportunity.

My daughter and her family live in the duplex we purchased together and we consider ourselves very lucky to have found that solution. However, every few months my grandchildren are saddened when yet another classmate has to move away because their family cannot afford rent or housing.

Townhomes are an excellent choice for young families and this is actually the lowest density that would be allowed there. The alternative would be multilevel apartments. Because this is included in the Housing Element, it helps us reach our State goals, and would help pull us out of the deficit.

Since this location is close to schools, I urge approval of a pedestrian connection between the project and the adjacent Linda Vista Trail. This would alleviate traffic problems especially before and after school.

Please help us retain our younger residents. We appreciate having a multigenerational and vibrant community.

Debbie Timmers