

CC 04-01-2026

#3

Housing Development - Linda
Vista Drive

Presentation

Housing Development

10857, 10867, 10877, & 10887 Linda Vista Dr

City Council
April 1, 2026



CUPERTINO

Project Background

Existing Uses

Four single-family residences

Applications

- SB330 Application submitted on October 9, 2024
- Formal application submitted on December 18, 2024

Housing Element Context

- 2023-2031 Housing Element adopted May 2024
- Priority Housing Sites #25-28
- SB330 application after HE adoption

State Housing Laws

- **Housing Accountability Act (HAA)**

Cannot make project infeasible or reduce density.

- **Housing Crisis Act (“SB 330” or “HCA”)**

Streamlines permit processing and locks-in fees and standards. *Vesting Date: October 9, 2024*

- **Density Bonus Law**

Allows for additional units, waivers, concessions, and reduced parking standards.

- **No Net Loss (SB 166)**

Sites to accommodate RHNA by income level must be available.

Proposal Data

Project Data	Required	Proposed
Minimum Density	20.01 units/acre	20.35 units/acre
Maximum Density	Up to 35 units/acre	
Building Height	30' max.	37' – 40'-7"*
Setbacks		
Front	20'	20'
Interior Sides	6'	10'
Street Sides	12'	3'-7" *
Rear	15'	22'-11"
Private Open Space	60 s.f. / unit no dimension less than 6'	> 60 s.f. / unit *
Parking	1 space per unit (51 spaces)	102 spaces

* *Density Bonus Waiver*

Project Details

- Ten residential buildings
 - 51 units (10 BMR, 41 market rate), 2,356 to 2,779 sq. ft.
 - Three stories
- 50 new onsite trees, inc. replacements for 8 protected trees



Project Consistency Analysis

- Project is consistent with applicable objective standards.
- One Density Bonus concession to waive requirement in the BMR Manual that BMR units be comparable to market rate units in terms of unit type.
- Five Density Bonus waivers:
 1. Side Setbacks
 2. Private Outdoor Space Clearance
 3. 30-Foot Height Limitation
 4. Floor Area Maximum
 5. Minimum Parking Space Size

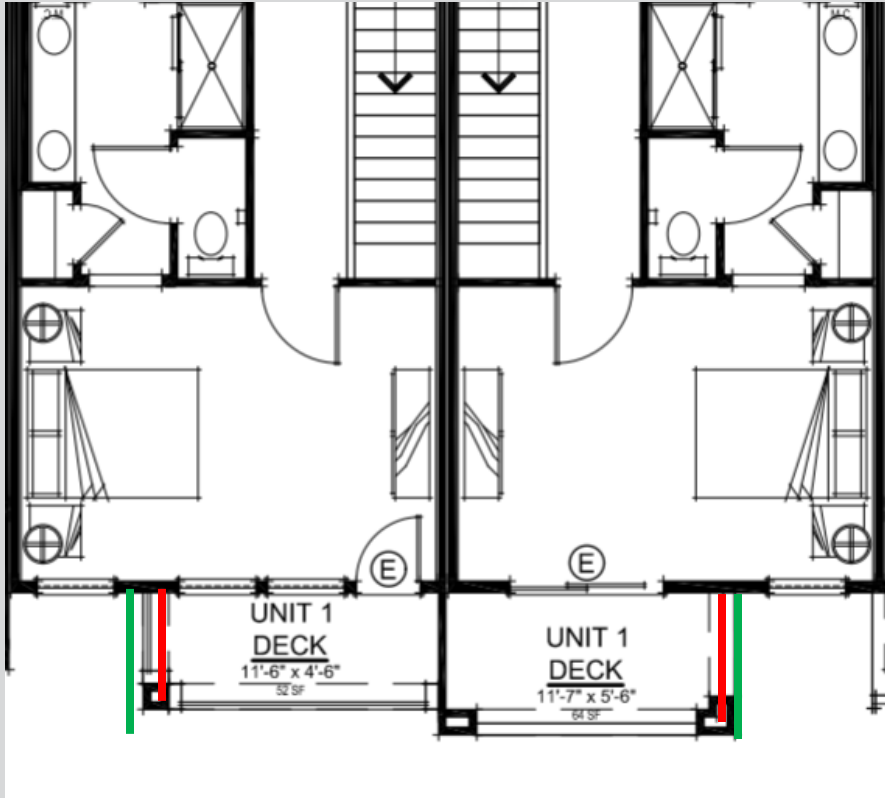
Street Side Setback Waiver



Required 12' Setback

Provided 3'-7" Setback

Private Outdoor Space Clearance



Example of proposed
4'-6" dimension

Required 6' dimension

Example of proposed
5'-5" dimension

Required 6' dimension

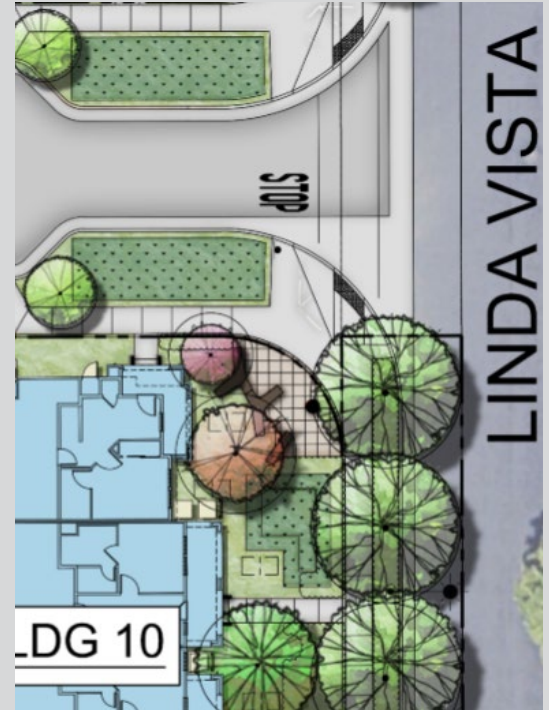
Height, Floor Area, and Stall Size

Project Data	Required	Proposed
Maximum Height*	30'	37' – 40'-7" (All Buildings)
Floor Area Ratio	85% max.	136%
Parking Stall Size	9'-6" x 20' min.	9'-6" x 18-6"

*Measured from natural grade to peak of roof for Planning purposes

Public Art Dedication

- Proposed public art plaza on the south side of Evulich and Linda Vista intersection
- To be reviewed and approved by Arts and Culture Commission after project approval.

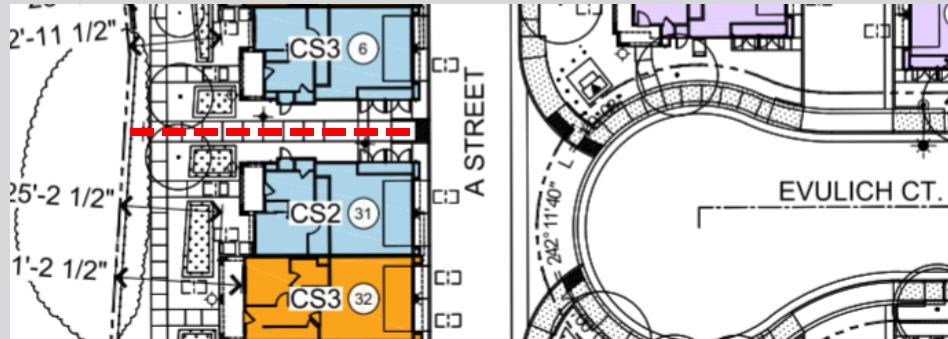


Park Land Dedication

- Staff recommends payment of in-lieu fee.
- Project is conditioned to pay in-lieu fee of \$1,998,000 for the 37 market rate units (credit for 4 existing units).
- Consistent with Quimby Act requirements.

Trail Connection

- Proposal for trail connection between project site and Stevens Creek Trail
- Public pedestrian and bike access
- Aligns with General Plan and transportation policies



- If approved by Council, applicant is seeking a Park Land fee credit, up to \$377,000

BMR Requirements

10 BMR units – 5 moderate and 5 median income

Proposed BMR units are comparable to market rate units in type and size:

	Number of Units	Number of Bedrooms	Average Unit Size
BMR Units	10	4	2,356 square feet
Market-Rate Units	41	4	2,727 square feet

AB 130 Exemption

AB 130 Exemption Memorandum prepared:

- Reviewed environmental reports:
 - Biological Assessment
 - Environmental Site Assessment
 - Transportation Analysis
 - Noise Assessment
 - Air Quality Analysis
- Project qualifies for a statutory exemption under Public Resources Code Section 21080.66.
- AB130 Timelines: Final decision by April 4, 2026

Fire Hazard Designation

Prior to 2024 - Site designated high fire hazard area

May - July 2024 - Housing Element adopted and zoning designation changed

October 2024 – Project's SB 330 preliminary application submitted

February 2025 - Fire maps revised, identifying site in the Very High Fire Hazard Zone

The project has been reviewed under, and meets, current standards for the Very High Fire Hazard Severity Zone

Planning Commission Hearing

February 24th Planning Commission Hearing:

- 3-2 vote to recommend conditional approval
- Unanimous support for development; Majority support for trail connection
- Discussion:
 - Potential traffic concerns
 - Fire safety concerns
 - Project density
 - Setbacks to neighbors
 - Project scale

Noticing and Public Comments

Noticing

- Site Signage
- Legal ad
- Mailed notices (449)
- E-notifications (1315)

Public Comments

Density – Concerns with multi-family development in single family neighborhood

Traffic – Concern of increased traffic and congestion

Fire – Concerns of increased fire risk due to project

Recommended Actions

That the City Council adopt the draft resolutions to:

1. Find the project exempt from CEQA;
2. Make the required findings of No Net Loss; and
3. Approve the following permits based on draft resolutions:
 - a. Tentative Final Map (TM-2024-009);
 - b. Architectural & Site Approval Permit (ASA-2024-015); and
 - c. Tree Removal Permit (TR-2024-044).

CC 04-01-2026

#4

Petitions for
Reconsideration Mary Ave
Villas

Presentation

MARY AVENUE VILLAS PROJECT

PETITIONS FOR RECONSIDERATION



**CITY OF
CUPERTINO**

Michelle Hernandez
Deputy City Attorney

Two resolutions for consideration today

(1) DENYING A PETITION FOR RECONSIDERATION AND AFFIRMING ACTIONS TAKEN BY THE CITY COUNCIL ON **FEBRUARY 3, 2026** and

(2) DENYING A PETITION FOR RECONSIDERATION AND AFFIRMING ACTIONS TAKEN BY THE CITY COUNCIL ON **MARCH 3, 2026**

BACKGROUND – FEBRUARY 3, 2026 RESOLUTION

Addresses reconsideration of Council actions (Petition 1):

- (i) Architectural and Site Approval Permit Application No. ASA-2025-006,
- (ii) Preliminary CEQA Exemption Determination, and
- (iii) the Disposition and Development Agreement

GROUNDS FOR RECONSIDERATION

Under **CMC 2.08.096**, reconsideration **limited** to the following:

1. New relevant evidence
2. Evidence improperly excluded at prior city hearing
3. Proof that the City Council proceeded without, or in excess of, its jurisdiction
4. Proof that the City Council failed to provide a fair hearing
5. Proof that the City Council abused its discretion by: (a) Not proceeding in a manner required by law; (b) Rendering a decision not supported by findings of fact; (c) Rendering a decision not supported by the evidence

ADJUDICATORY AND LEGISLATIVE ACTIONS

ASA Permit and Preliminary CEQA Exemption Determination
- adjudicatory actions subject to reconsideration

Disposition and Development Agreement - legislative
actions not subject to reconsideration

Ground 1: New relevant evidence

CLAIM: External commentary by Krupka Consulting; documentation submitted February 10, 2026; and the City's Planning Commission agenda published on February 10, 2026

RESPONSE: *Minutes reflect that Paul Krupka presented and discussed his findings; part of the record before the City Council; and do not constitute "new evidence." Documentation on February 10th not related to actions before City Council on February 3, 2026. Items listed on Planning Commission agenda not before City Council on February 3, 2026*

Ground 2: Evidence improperly excluded

CLAIM: Impaired ability to present exhibits; insufficient public access to the complete plan set; failure to provide the final/amended versions of key approval documents

RESPONSE: *Public afforded their allotted time. The plan set and supporting technical materials made available. Agenda compliant with Government Code, section 54954.2(a)(1)(A). Members of public afforded opportunity to comment, per Government Code, section 54954.3(a)(1). At no time was petitioner prevented from offering evidence or arguments*

Time Expended on Public Comment

Total time 59:47, 27 speakers on February 3, 2026 meeting re Mary Avenue Development

Total time 1:09:30, 26 speakers on December 2, 2025 Study Session – Mary Avenue Project

Ground 3: Proceeding without, or in excess of, its jurisdiction

CLAIM: Sequencing/jurisdictional defect; approval predicated on future right-of-way vacation and public property disposition; and Public Land Disposition via Disposition and Development Agreement not compliant

RESPONSE: *Analysis related to sequencing provided in Staff Report for December 2, 2025 Study Session. Additional info related to sequencing in Supplemental Report for February 3rd meeting. Disposition and Development Agreement conditions implementation on subsequent approvals*

Ground 4: Failure to provide a fair hearing

CLAIM: Amendments adopted without public review; inconsistent bases presented to the public and decisionmakers; post hoc process to retrofit findings. Conflict of interest/ bias, due process violations, and attacks on counsel's ethics and credibility

RESPONSE: *Applicable CEQA treatment for each relevant approval. Agenda provides participation and comment per GC section 54954.3(b)(1). Minutes and Transcript reflects City Council considered Petitioner correspondence. Councilmembers' statements reflect their evaluation of the arguments presented in the record*

Ground 5: Abuse of discretion

CLAIM: Invalid reliance on CEQA exemption and improper segmentation. Required findings not made for vacation; constraints on Public subsidies/Gifts of public funds. Findings inadequate re public health, safety, or welfare.

RESPONSE: *Parking, traffic, and other project-specific conditions extensively considered, including August 12, 2025 info memo, and November 13, 2025 traffic study. No evidence demonstrating a lack of support for the legal adequacy or proportional public benefit of the financial contributions provided by the City. The CEQA documentation included in the February 3 Staff Report. Disposition and Development Agreement contemplates and conditioned on subsequent approvals.*

CONCLUSION - FEBRUARY 3, 2026 RESOLUTION

Petition 1 failed to satisfy any of the grounds for reconsideration pursuant to Cupertino Municipal Code section 2.08.096. No new or improperly excluded evidence; no procedural errors or improper actions

Disposition and Development Agreement not adjudicatory action; not subject to reconsideration; and any request for reconsideration denied on that basis

BACKGROUND - MARCH 3, 2026 RESOLUTION

Addresses reconsideration of Council actions (Petition 2):

(i) Resolution No. 26-024 vacating the public right-of-way along Mary Avenue

(ii) CEQA exemption determination

(iii) Resolution No. 26-025 declaring the Project site exempt surplus land pursuant to the Surplus Land Act

Ground 1: New Relevant Evidence

No claim raised

Ground 2: Evidence improperly excluded

CLAIM: Procedures materially constrained presenting documentary and visual evidence

RESPONSE: *Agenda sets forth the terms to participate and comment in accordance with Government Code, section 54954.3(b)(1). At no time was petitioner prevented from offering evidence or arguments*

Time Expended on Public Comment

Total time 18:28, 16 speakers on Resolution Vacating Public Right of Way at March 3, 2026 meeting re Mary Avenue Development

Total time 12:51, 11 speakers on Exempt Surplus Land at March 3, 2026 meeting re Mary Avenue Development

Ground 3: Proceeding without, or in excess of, its jurisdiction

CLAIM: The March 3 actions cannot cure or retroactively validate jurisdictional defects because City unlawfully committed itself through February 3 approvals; sequence of Surplus Land Act declaration

RESPONSE: *No evidence that City proceeded without, or in excess of, its jurisdiction or that City's actions were inconsistent with applicable law; no evidence re Surplus Land Act sequencing improper; Vacation not adjudicatory action*

Ground 4: Failure to provide a fair hearing

CLAIM: No recusal of Councilmember with a disqualifying conflict of interest; restrictions impaired presenting responsive evidence

RESPONSE: *No evidence of bias or disqualifying conflict of interest. Agenda provides participation and comment per Government Code, section 54954.3(b)(1)*

Ground 5: Abuse of discretion

CLAIM: Invalid reliance on CEQA exemption and improper segmentation. Failure to follow Streets and Highways Code § 8324(b), Surplus Land Act / public disposition requirements. Resolution No. 26-025, section 3 improperly bootstraps determination. No finding re Vacation; CEQA finding contradicted by Krupka

RESPONSE: *Environmental determinations and CEQA analysis appropriately made; no evidence supporting claim of unlawful predetermination or improper sequencing. The March 3 Staff Report, the staff's oral and PowerPoint presentation and the minutes included in record determination regarding the SLA Declaration. Extensive consideration including August 12, 2025 info memo, November 13, 2025 traffic study. CEQA analysis in February 3 Staff Report.*

CONCLUSION – MARCH 3, 2026 RESOLUTION

Petition 2 failed to satisfy any of the grounds for reconsideration pursuant to Cupertino Municipal Code section 2.08.096. No new or improperly excluded evidence; no procedural errors or improper actions

Vacation not adjudicatory action; not subject to reconsideration; and any request for reconsideration denied on that basis as well.

Recommended Action

Subject: Conduct public hearing pursuant to Cupertino Municipal Code section 2.08.096 to hear Petitions for Reconsideration filed on behalf of the Garden Gate Coalition for Mary Avenue Safety, including: (1) Petition for Reconsideration, dated February 27, 2026, pertaining to actions taken at the February 3, 2026 City Council meeting pursuant to the Mary Avenue Villas Project, including (i) CEQA Exemption Determination, (ii) Resolution No 26-016, regarding Architectural and Site Approval Permit, and (iii) Resolution No. 26-018, regarding the Disposition and Development Agreement; and (2) Petition for Reconsideration, dated March 13, 2026, pertaining to actions taken at the March 3, 2026 City Council meeting pursuant to the Mary Avenue Villas Project, including (i) Resolution No. 26-024, regarding the vacation of public right-of-way, and (ii) Resolution No. 26-025, regarding the surplus land act exemption.

Recommended Action:

1. Find that the Petition for Reconsideration, dated February 27, 2026, pertaining to actions taken at the February 3, 2026 City Council meeting, failed to satisfy any of the grounds for reconsideration pursuant to Cupertino Municipal Code section 2.08.096; and
2. Find that Petition for Reconsideration, dated March 13, 2026, pertaining to actions taken at the March 3, 2026 City Council meeting, failed to satisfy any of the grounds for reconsideration required pursuant to Cupertino Municipal Code section 2.08.096; and
3. Adopt Draft Resolution No. 26-032 (Attachment 3); and
4. Adopt Draft Resolution No. 26-033 (Attachment 4)