

PC 09-13-2022

Item #4

Public Hearing,
20860 McClellan Road
(TM-2021-006; R-2021-
040,-041,-042,-043,-045;
RM-2022-015,-016,-022,
-024,-025,-026)

Written Comments

Cyrah Caburian

From: Brianne Harkousha
Sent: Wednesday, September 7, 2022 8:33 AM
To: Cyrah Caburian
Subject: Public Comment #2 - 20860 McClellan Road

Hey Cyrah,

Please find public comment #2 below.

> Hello Brianne,

>

> Thank you for the info and we appreciate your your time and work on solving this important matter.

>

> Lot 6 would be right next to my house (20852 Cherryland Drive), and the variance of second story balcony will expose my family room if approved. For this reason, my family would like to ask the city council to disapprove the construction and variance of second story balcony on lot 6 for privacy concerns. My family room and living room are right next to lot 6's garage. There is a 8' tall 6'wide sliding door on family room facing the lot 6 garage. My family's outdoor and indoor activities will be exposed and will be viewed through lot 6 balcony, if the variance of second story balcony is approved. We feel strongly on our privacy and please disapprove on lot 6 construction.

>

> Thank you again for your attention in this matter,

>

> Sincerely,

>

> Jianmei Jin

>

>



Brianne Harkousha

Associate Planner
Community Development
BrianneH@cupertino.org
(408)777-7907



Cyrah Caburian

From: Larry Harrison <larryharrison2@comcast.net>
Sent: Saturday, September 10, 2022 9:05 PM
To: City of Cupertino Planning Commission
Subject: 9-13-22 Public Hearing 20860 McClelland Rd
Attachments: 20860 Mcchellan 9-13-2022 planing mtg.pdf

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Attached please find our comments regarding the discussion of the development of 20860 McChellan Road.

We are owners of the adjacent property to lot six at 7601 Erin Way.

Arthur L. and Donene M. Harrison
408-253-7113

September 10, 2022

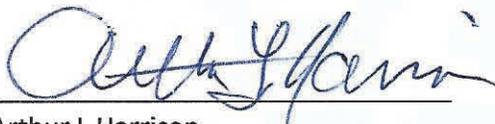
City of Cupertino
Planning Commission

Subject: Concerns for the Development on 20860 McClellan Road
Planning Commission Meeting of Sept 13, 2022

The Public Information letter indicated that the developer is requesting a deviation to allow a 10 foot rear property line set back instead of the current City Requirement of 20 feet for lot 6. We assume the west boundary of lot six is considered the rear property line.

However, upon reviewing the project layout plans for lot 6, it appears that the ADU structure is located at a 5 foot setback from the lot 6 south property line. This property line is our rear yard boundary. We believe that this is contrary to current City Requirements of a 7.5 feet first story setback for side yards. We are requesting that any ADU structures be required to follow the same setback requirements as the main house structure in this case 7.5 feet and also for any approved deviation for a rear yard setback. In addition the ADU should remain a single story unit.

Regarding the possible use of the current fence for the South boundary of lot six, it is noted that the Erin Way rear lots are about 2 feet above the current grade of 20860 McClellan and are supported by a sub fence structure. It is requested that grading of lot 6 be done to avoid compromise of adjacent lot grounds and that a new brick fence be installed to both enhance lot 6 and to ensure the stability of the adjacent lots.



Arthur L Harrison
Owner of 7601 Erin Way,
Cupertino, CA



Donene M Harrison
Owner of 7601 Erin Way
Cupertino, CA

Cyrah Caburian

From: Brianne Harkousha
Sent: Monday, September 12, 2022 8:08 AM
To: Cyrah Caburian
Subject: PC 9/13 Public Comment #3 - 20860 McClellan Rd

Hi Cyrah,

The commenter from public comment #2 has another comment, please see below. Please provide to commission for review.

Thank you!

Brianne Harkousha
Associate Planner
Community Development
BrianneH@cupertino.org
(408)777-7907

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

From: Jianmei Jin <jpiao1@yahoo.com>
Sent: Sunday, September 11, 2022 8:28 PM
To: Brianne Harkousha <BrianneH@cupertino.org>
Cc: Cherryland Mynul <mynulhoda@gmail.com>; Suejane Han <suejanehan@gmail.com>
Subject: Re: Lot 6

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.

Thank you Brianne, beside the balcony issue, We have one more comment recorded please:
We do not think the second floor east window of lot 6 should opens below 5 feet height privacy window line.

Thank you for your help!

Jianmei Jin

Cyrah Caburian

From: Steve Kelly <svproperties4@gmail.com>
Sent: Monday, September 12, 2022 8:51 AM
To: City of Cupertino Planning Commission
Subject: RE: 20860 McClelland Rd Project

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RE: Item #4 Cherryland at 20860 McClelland Rd

Dear Chair Scharf and Planning Commissioners,

Housing near De Anza College is desperately needed as the community grows. I have reviewed the proposed plans and believe the homes will add critically needed housing in the area. The new family's will help the schools which have suffered declining student enrollment. I would like to each home to have an ADU that can be rented to De Anza teaching staff or students since McClellan is a major transit corridor and walking distance to shopping, dining, and De Anza college

Sincerely,

Steve Kelly

Steve Kelly
3093 Forbes Ave
Santa Clara, CA 95051
408-482-0318

Cyrah Caburian

From: Connie Cunningham <cunninghamconniel@gmail.com>
Sent: Monday, September 12, 2022 1:02 PM
To: City of Cupertino Planning Commission
Subject: 9/13/22 Planning Commission, Agenda Item 4 Public Hearing, 20860 McClellan Rd

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

Dear Chair Scharf and Commissioners,

Subject: Agenda Item 4, Public Hearing, Tentative Map to consider the subdivision....Applicant(s): Alok Damireddy (District McClellan LLC); Location: 20860 McClellan Road APN #359-20-030)

I have two urgent requests on this Subject Item.

First: I urge the applicant to consider redesigning this property to build multi-family housing that is much needed in Cupertino at this excellent location.

Westport Cupertino at the corner of Stevens Creek Blvd and Highway 85 shows a number of ways to build townhomes and apartments. The Veranda, a recently built apartment building across from Main Street, shows how a two-story 19-unit apartment can be built on a half-acre lot. If it were three-story, it could provide many more units.

This 1.27 acre parcel on McClellan Road is a good size for a larger project. McClellan Road is a perfect location for multi-family buildings. It is near K-12 schools, and near De Anza College. It is near grocery stores, restaurants, and many other services on De Anza Blvd. A major bus route passes along McClellan. McClellan Road has excellent bicycle lanes for students, commuters and seniors.

Second: Since the Housing Element process has entered the policy-making stage, I urge the Planning Commission to immediately approve (or recommend the City Council approve) necessary land use regulations to allow the applicant to begin building multi-family housing as soon as possible. Include a density of 30 du/acre or more as needed by the applicant. Also, approve height limits, FAR, and related policies appropriate to this type of multi-housing building.

The Mercury News reported on Monday, 9/12/22, that apartment building is lagging in the entire Bay Area. The rest of the nation is recovering in the building of homes after the pandemic. Cupertino needs to do its part in providing housing for its residents.

In closing, I urge the applicant to build multi-family housing on his excellent property, and I urge the Planning Commission to approve at this meeting (or recommend that City Council approve), the land use regulations that will support this type of housing.

Sincerely,

Connie Cunningham

34-year resident,

Serving on the Housing Commission (self only)

Cyrah Caburian

From: Brianne Harkousha
Sent: Monday, September 12, 2022 1:02 PM
To: Cyrah Caburian
Subject: PC 9/13 Public Comment #5 - 20860 McClellan Rd
Attachments: Neighbor construction.docx

Hi Cyrah,

Please find public comment #5 attached for my project.

Thanks,



Brianne Harkousha

Associate Planner
Community Development
BrianneH@cupertino.org
(408)777-7907



From: Bhoomaiah Alishetti <alishetti@yahoo.com>
Sent: Monday, September 12, 2022 12:53 PM
To: Brianne Harkousha <BrianneH@cupertino.org>
Subject: Re: 20860 McClellan development of lot 6

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Hi Brianne,

Thank you for calling me back.

Here is the request/concern to raise the height of the south side boundary fence to 8 ft.

Thanks,
Bhoomaiah Alishetti
7595 Erin Way

On Monday, September 12, 2022, 11:47:35 AM PDT, Bhoomaiah Alishetti <alishetti@yahoo.com> wrote:

Hi Brianne,

I am the south neighbor of lot 6. I have few questions.

1. The rear doors and windows are opening towards my house. The rear offset is being reduced from 20 ft to 10 ft. Can the fence be raised to 8 ft instead of 6 ft since the windows and doors are closer with bigger view considering 30 degrees.

2. Is there east balcony to lot 6. Different drawing show different things. A-32.a shows east side but 46 shows only on north side. If there is balcony on east side, I have concern.

3. There is parapet wall on ADU. Is the roof used as a balcony?

Thanks,
Bhoomaiah

From
Bhoomaiah Alishetti
7595 Erin Way (APN359-20-014)
Cupertino, CA 95014

To,
Cupertino Planning Commission,
City of Cupertino

September 12, 2022

Subject: Concerns on the development of **lot 6** of 20860 McClellan Road
Planning Commission meeting on September 13, 2022

I am on the south of the lot 6 of the subject development. I am happy to see the parcel is being developed. However, I wish planning commission and the developer work as per the prevailing city planning rules. I appreciate the developer's willingness to address our concerns.

The lot 6 has the front entrance on north side. I, being on south, consider I am on the rear of the lot 6. In addition, the windows and doors open to my side which reinforces, I am on the rear of lot 6.

My concerns are based on the architectural drawing sheets

- 7 for first floor plan,
- 14 for second floor plan,
- 34 for north and west side views,
- 35 for south and east side views
- 46 for pictorial 3D view, 71 for grading and fence wall, 128 Privacy plants

Here are few concerns to be addressed.

Rear setback of lot 6 is 10 ft in place of 20 ft from the boundary fence, Thus the windows and rear opening doors of the first floor and the windows of second floor are closer than what code asks for. Windows and rear doors are facing to my lot. The view into my lot is wider than that code would have ensured. I want the planning commission to recommend 8 ft height fence from my ground level in addition to the privacy trees. I also echo the observation of the owner of 7601 Erin Way lot owner on the fence. Our south parcels of lot 6 are 2 ft higher than the current grade of 20860 subject lot and is supported by sub fence. It is requested a new brick fence be installed to enhance the stability of the boundary.

Thanks,
Bhoomaiah Alishetti

Cyrah Caburian

From: Alok Damireddy <alok@soleez.com>
Sent: Monday, September 12, 2022 7:11 PM
To: City of Cupertino Planning Commission
Subject: Re: Planning Commission Hearing 9/13 at 20860 McClellan Rd
Attachments: PCHearing Comments and Responses.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.

Hello Planning Commissioners,
Hope you are doing well.

In preparation for the Planning Commission hearing on 9/13/2022 for a subdivision at 20860 McClellan Rd, I wanted to share our [responses](#) to some of the public comments we received. Please find the attached pdf document that provides a detailed response to each of the 6 commentators' questions.

Most of the questions were based on the misinterpretation of a Permit Vs Variance. Just a note that this project requires zero(0) variances.

The intent of this email is to provide additional context prior to the hearing.

Looking forward to our hearing tomorrow.

Best,

--

-Alok
(925)698-1727

Comment #1

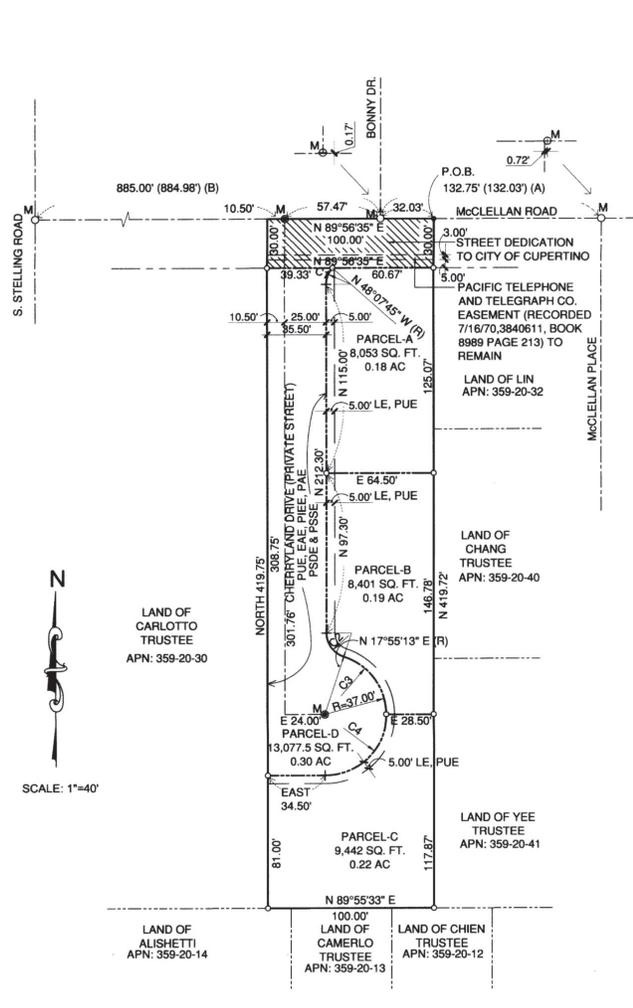
From: Cherryland Cupertino HOA

Please see our response each of the 4 items(A-D).

Re: Item A

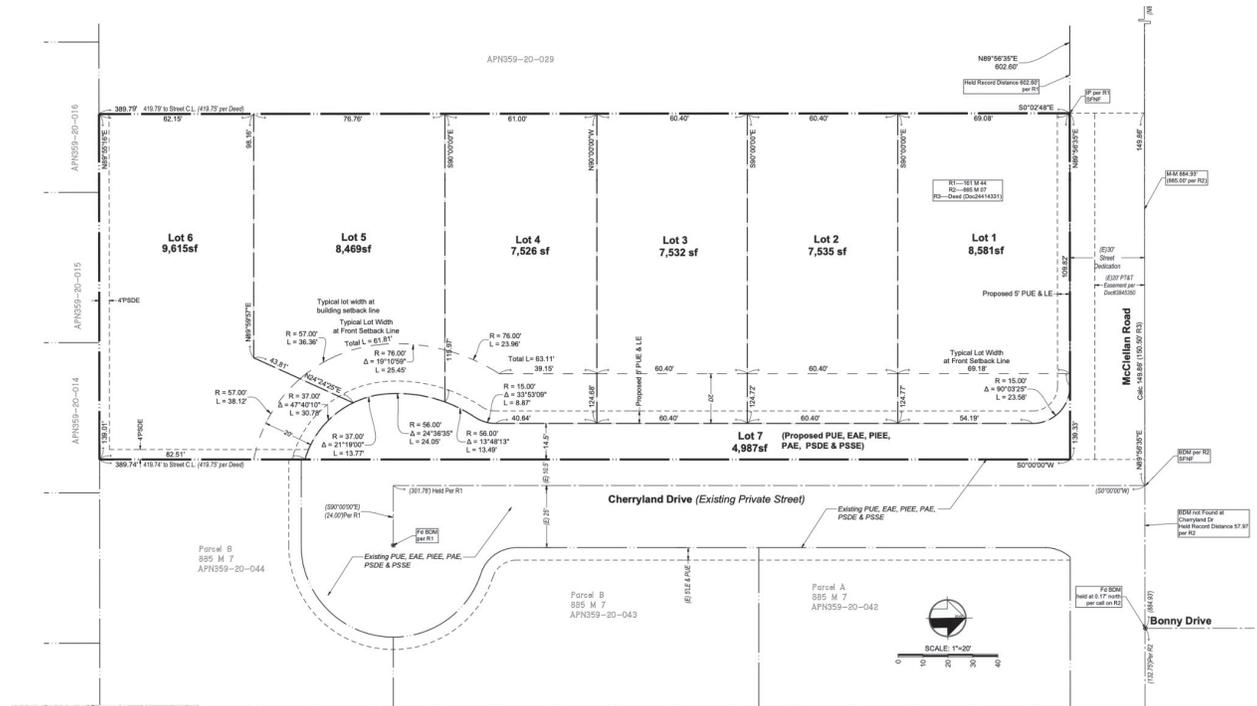
- There is no binding agreement between Cherryland HOA and City or 20860 McClellan Rd as confirmed by City [staff report](#). The referenced 10' wide section is a conceptual plan proposed by Cherryland developer on neighboring 20860 McClellan WITHOUT owners' consent. No neighbor can propose & bind anything on someone else's property without owners consent. This basic property ownership right is protected under federal & state law. aka '*Bundle of Rights*' and more specifically '*The right of control*'.
- Conceptual plan dt 8/27/13 & 9/17/13 is superseded by recorded Cherryland Parcel Map Dt 7/22/2015 which is binding. There is no landscape strip or easement recorded.

ption: Santa Clara, CA Maps - Book. Page 885.6 Page: 2 of 2
 sdf Comment:



- District McClellan LLC has proposed landscape and sidewalks in compliance with current City of Cupertino standards as confirmed by Public Works engineer on staff report.
- District McClellan LLC is not interested in purchasing land from Cherryland Cupertino

HOA nor are we gaining this '1500 sqft' of land. The proposed property lines are as shown on proposed 20860 McClellan Tentative Map. [Cherryland CC&Rs](#) section 5.6 reiterates this position.



- Section 5.4 of recorded Cherryland CC&R's and City Conditions of Approval of Cherryland development, clearly state that there shall be no payment requirement charged for the access easement rights which are to be granted to the District McClellan property. Asking to reimburse for easement violates these conditions.
- This information has been communicated to Cherryland Cupertino HOA multiple times over the last 12 months in various legal communications through a licensed attorney. Staff has also communicated this information to Cherryland HOA.

Re: Item B

- District McClellan LLC has agreed to pay \$6000(Ms.Han's personal attorney)+\$4000(HOA legal review)= \$10,000 towards legal fees incurred by Cherryland Cupertino HOA. This has been communicated(and acknowledged) multiple times on
 - Letter dt [5/10/2022](#)
 - Letter dt [6/21/2022](#)
 - Letter dt [8/8/2022](#)
 - Letter dt [8/19/2022](#)
 - Letter dt [9/1/2022](#)

If the HOA needs an additional amount, it should be specifically stated. The last 6 communications from HOA did not ask for any additional amount.

- District McClellan LLC has agreed to over **\$70,000** worth of payments and bear **80%** of future HOA contributions to Cherryland Cupertino HOA during the last 18 months of negotiations.

Re: Item C

- Our proposed architectural design conforms to the City of Cupertino design guidelines and staff has validated it.
- Shed roofs offer lower profile and afford more privacy and less massing than gabled or hipped roofs.

Re: Item D

- Balconies on 2nd floor are NOT variances but are additional permits. The purpose of these permits is to balance owners's desire to add a balcony while addressing privacy.
- The balconies were carefully designed to overlook 50' wide Cherryland Dr avoiding side yards. Additionally 30' high tree screening per city guidelines are also proposed to aid in privacy.
- These balconies balance the building massing and are consistent with the architectural style.
- City has a precedent where multiple 2nd balcony permits are approved over the years.

- Approved	19
+ 2019	6
+ 2020	5
+ 2021	8
- Complete	66
+ 2019	7
+ 2020	26
+ 2021	27
+ 2022	6

Comment #2

From: Jianmei Jin, 20852 Cherryland Drive, Lot 6 East neighbor

Response:

Re: *No variance should be approved due to privacy reasons.*

We agree that NO variance should be approved for any reason not just privacy. So our plans are 100% compliant with Cupertino Municipal Code and require **zero** variances. This is validated on staff report.

Re: *My family's outdoor and indoor activities will be exposed and will be viewed through lot 6 balcony.*

- No exposure as all view sheds are addressed through privacy screens(trees) as validated by staff report. We are using grecian laurel trees as privacy screens which reach upto 30' in height.

Re: *second floor east window of lot 6 should opens below 5 feet height privacy window line*

- The window in question is screened by the same Grecian Laurel trees mentioned above. So no privacy concern.
- We feel 20852 Cherryland Dr should follow the same municipal code to address privacy for future Lot 6 residents by screening the 2 windows(yellow ovals in picture below) on their 2nd floor west side.



[Comment #3](#)

From: Arthur L. &Donene M. Harrison, 7601 Erin Way, Lot 6 South neighbor

Re: *West boundary of lot 6 is considered rear property line.*

Yes, your assumption is correct but we are not requesting a deviation anymore. Lot 6 is considered a flag lot and its west pl is the rear property line. Previously lot 6 south pl was the rear yard but that issue has been resolved as the home was reconfigured.

Re: *ADU at 5' setback from PL*

CA law supercedes any City code and those apply to ADUs. Lot 6 ADU is in compliance with State setbacks as validated by staff report. While the setback is 2.5' less than City standard, no

privacy is compromised as the 1st floor ADU is designed to NOT have any windows/doors overlooking 7601 Erin Way.

Comment #4

From: Connie Cunningham, Resident and Housing Commissioner

Re: *applicant to consider multi-family housing, townhomes and/or apartments.*

We are open to this proposal and would be happy to discuss but the blocker is current city zoning and density. Unless the Planning Commission and City Council fast track and approve this outside of the housing element within the next 1-2 months, this would be a substantial risk to the business. Given that we have spent over 18 months on this path.

Re: *approve housing element to accelerate zoning and density*

Concur with the recommendation.

Comment #5

From: Bhoomaiah Alishetti, 7595 Erin Way, South neighbor

Re: *Increase fence height to 8' and use brick for fence material*

We are open and have indicated that both height and material will be accommodated.

Comment #6

From: Steve Kelly,

Re: *Add more housing around DeAnza college including ADUs to be rented to staff, students of college.*

Concur with the comment.

Comment #7

From:

Response:

PC 09-13-2022

Item #5

Public Hearing,
22557 Cristo Rey Drive
(M-2022-002)

Written Comments

Cyrah Caburian

From: Gian Martire
Sent: Thursday, September 8, 2022 10:38 AM
To: Cyrah Caburian
Subject: FW: opposition to above-ground casket burials at Gate of Heaven

Hi Cyrah,

Can you add this to my item as a written communication. This would be for PC on Tuesday.



Gian Martire

Senior Planner
Community Development
GianM@cupertino.org
(408) 777-3319



From: Simon Whetzel <simonhan@me.com>
Sent: Tuesday, April 5, 2022 2:08 PM
To: Gian Martire <GianM@cupertino.org>
Subject: opposition to above-ground casket burials at Gate of Heaven

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 name is Simon Whetzel. I live on Canyon Oak way in Cupertino, immediately adjacent to the Gate of Heaven Cemetery.

I have received notice that Gate of Heaven would like to allow above-ground burials.

I am strongly opposed to this proposal. Both of my parents are buried at Gate of Heaven so I visit the cemetery often. The cemetery is the most beautiful and serene cemetery I have ever visited. It is truly a park-like setting but above-ground burials would certainly shatter that image and take away from the natural beauty of the land.

Thank you for your consideration.

Simon Whetzel
21180 Canyon Oak Way
Cupertino, CA 95014
(408) 499-2536

Cyrah Caburian

From: stace palomar <stacey.palomar@gmail.com>
Sent: Saturday, September 10, 2022 9:16 AM
To: City of Cupertino Planning Commission
Subject: Proposal for Above-Ground Plots at Gate of Heaven

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 Members of the Planning Commission:

The proposal of above-ground plots would comprise the existing ground level aesthetics of the All Souls area. The beauty of the landscape and sightlines would be disrupted and those visiting their loved ones in this area would have to deal with the consequences.

I adamantly oppose allowing any above-ground plots at the entry.

Thank you for your time and consideration.

Stacey

Cyrah Caburian

From: Claudia Chang <claudiakchang@gmail.com>
Sent: Saturday, September 10, 2022 3:04 PM
To: City of Cupertino Planning Commission
Subject: 9/13 Agenda #5

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 Commissioners,

I'd like to comment on item #5 regarding the modification of the Use Permit for the above ground crypts at the Gates of Heaven. I am deeply opposed to approving this action. The space will be crowded with the additional burial plots and the size of the crypts are much larger compared to the other gravestones in the area. All the other tombstones in the terrace are much smaller compared to the four proposed. This takes away from the beauty and serenity of the area. I'm not opposed to crypts but just not in this area where there are already tombstones that are all very similar in size.

Sincerely, Claudia Chang

Cyrah Caburian

From: Kenji K <kenjitc2017@gmail.com>
Sent: Saturday, September 10, 2022 9:45 PM
To: City of Cupertino Planning Commission
Subject: Public Comments Regarding Agenda Item #5: Modification of an existing Use Permit (U-2005-04) to allow above ground crypts on a portion of the Gates of Heaven Cemetery.

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.

The addition of six above ground crypts to the All Souls section of the Gates of Heaven Cemetery would disrupt the clean and tranquil aesthetic of the current area, disfiguring the landscape and adding clutter that is grossly inconsistent with the current plots.

Our dear mother's final resting place is located in the All Souls section. It is well-visited not only by our family on a daily basis but also by many others who have loved ones there. When we first bought the plots, there was never any discussion of the addition of the above ground crypts. If there had been any hint that these types of above ground plots were going to be added in the adjacent area, we would have never chosen the All Souls section.

One of the hallmarks of good design is that something be unobtrusive and be aesthetically pleasing to the eye. Above ground crypts sharing an area with simple burial plots with headstones violates all the rules of good design, lacking sound judgement on the part of the Gates of Heaven management.

If they are permitted to install these kinds of crypts in the All Souls section now, what is to stop them from cramming in a dozen full-size family crypts in the same area down the line? The management of Gates of Heaven should choose another area that will strictly be for above ground crypts to preserve the uniformity and beauty of the the All Souls section.

It is no coincidence that that first above ground plots were originally installed without a proper modified permit nor was

any notice provided as a courtesy. We have taken notice and adamantly oppose the addition for the reasons stated above.

Respectfully,

Ken K

Cyrah Caburian

From: Candice Kwok <candiceak1@yahoo.com>
Sent: Sunday, September 11, 2022 1:02 PM
To: City of Cupertino Planning Commission
Subject: Opposition to 9/13 Planning Commission Agenda Item #5

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 Commissioners,

I am writing in regard to an item on the September 13 Planning Commission meeting agenda, Agenda Item 5, related to the Gates of Heaven Cemetery's application to allow above ground burials.

When I visited my beloved mother a few months ago, I was surprised to see the above ground burials right in front of this section. They seemed to appear suddenly. I have since found out that they were placed there illegally for show. I am shocked that the Gates of Heaven would do this without going proper channels. I worry what else will show up in this sacred area without notification.

Now it appears they are requesting an application for half a dozen crypts. While I don't oppose crypts, I strongly oppose the location in this particular area. It's beautiful and peaceful and it's already difficult visiting someone I've lost. Now I will see these large marble crypts as I make my way to my mother's marker.

I ask you to please deny the request for this permit. Perhaps the Gates of Heaven can consider another location and designate an area just for above ground burials. It seems there is plenty of available land. Placing these above ground burials in this area looks awkward and out of place. Please do not allow them to impose on an existing open area.

Thank you for all that you do for Cupertino. I know you will make the right decision.

Candice

Cyrah Caburian

From: patrickskwok@aol.com
Sent: Sunday, September 11, 2022 6:25 PM
To: City of Cupertino Planning Commission
Subject: 9/13 Planning Commission Agenda Item #5 - Gate of Heaven Permit Application

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Subject: 9/13 Planning Commission Agenda Item #5 - Gate of Heaven Permit Application

Subject: Gate of Heaven application for a permit for above burials

Dear Planning Commissioners

I want to express my objection to the application by the Gate of Heaven Cemetery for 6 above ground burials at the "All Souls" section of the cemetery.

About 20 years ago, the Cupertino City Council approved by 3 to 2 vote upright markers (i.e. headstones) at the newly created "All Souls" section. Above ground burials were not included in the council decision. There were no provisions for future plans for above ground burial. It was a very contentious hearing as neighbors strongly opposed upright markers that are visible and can ruin the open space environment. You would imagine how these neighbors would have reacted when they are notified much bigger above ground structures are installed. I happened to be on the city council during the hearing. It was a very tough decision.

About 6 months ago, Gate of Heaven staff illegally installed at the entry of the "All Souls" section, one full above ground burial and was doing excavation to add 3 more. A complaint was filed by a concerned citizen to the city and all excavations were stopped. Unfortunately, one upright burial remains as showcase to potential buyers. The city issued a Notice of Violation for illegally constructing an above ground burial without a permit. Now, the cemetery is an applicant to the Planning Commission for a permit to install 6 above ground burial sites at the entrance of the "All Souls" section. As a plot owner in this section, I am objecting to approving the application for the following reasons:

(1) ABOVE GROUND BURIALS ARE VISIBLE AND WILL DESTROY THE OPEN SPACE LANDSCAPE AT THE ENTRY

Six above ground burials at the entry to the "All Souls" section will destroy the serenity and tranquility of the section that is currently open space. They will be easily visible from a distance.

(2) EXPECTATION BY PLOT OWNERS WHO WERE BETRAYED AND DECEIVED

There are four rows of terraces and the plots at "All Souls" section are in front of these terraces. There are about 100 plots per row and the area is very secluded. When the owners purchased the plots, they were not told that above ground burials were planned at the entry or even in this area. Owners purchased this specific areas with the expectation that the entry would remain as open space and they were willing to pay a much higher price than the rest of the plots that have flat markers and are cluttered with other plots;

(3) LACK OF NOTIFICATIONS TO THE AFFECTED PLOT OWNERS

A notice was posted about two weeks ago at the entry of the cemetery on the proposed development. Neighbors within certain radius behind the cemetery were notified as required but none of the owners of the plots who will be greatly impacted by these additions were notified. Most of these owners are either out of the county or only visit the grave sites on special occasions such as Easter, Christmas and Father's and Mother's Day. As a result, they will have no idea about the proposed development and were unable to express their objections

(4) ENTITLEMENT

While the cemetery is entitled to expand, the owners of the plots deceased or alive have the same entitlement to have a secluded and serene environment. This is the reason they paid a premium for their plots. For these plots. None of the purchasers was told that above ground burials were planned.

(5) APPROVAL OF ABOVE GROUND BURIALS WILL SET A PRECEDENCE

The cemetery currently consists of mausoleums, crematoria, statuary, pergolas, veterans' monuments and flat markers (99%) and upright markers (less than 1% of the entire cemetery). Approval of above ground burials will set a precedence and will open a flood gate for future above ground burials throughout the entire cemetery. This is not what plot owners expected.

I along with other owners of the plots respectfully request that you deny the permit application.

Below are photos of the area.

Thank you for your consideration.

Sincerely,

Patrick Kwok, P.E.
Former Cupertino Mayor and City Councilmember
Former Cupertino Planning Commission and Chair
Plot owner, All Souls section
10222 Carmen Rd, Cupertino
(408)8961462







Cyrah Caburian

From: Patti Nakamura <patti_nakamura@yahoo.com>
Sent: Monday, September 12, 2022 11:08 AM
To: City of Cupertino Planning Commission
Subject: Comments for Planning Commission meeting 9/13

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,

Please include the comment below opposing the above ground burial plots at Gate of Heaven Cemetery.

When my husband and I purchased a plot to be close to our infant many years ago, we appreciated the openness and peaceful flow of the park-like cemetery. The above ground plots take away from the beauty and serenity of the cemetery and interrupt the tranquility of the natural environment .

Thank you,
Robert and Patti Nakamura

Cyrah Caburian

From: Karen <pooperchen@yahoo.com>
Sent: Monday, September 12, 2022 11:15 PM
To: City of Cupertino Planning Commission
Subject: Y-2005-04 above ground crypts

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 Members of the Planning Commission
and Associates,

As a longtime Cupertino resident, I believe the above the ground crypts should not be allowed at Gates of Heaven. It takes away from the beauty and peacefulness of the cemetery. I think the above crypts are more appropriate for places like New Orleans, in older cemeteries where there is a need due to elements to bury folks above ground but NOT for Cupertino.

I think they are tasteless, frightening, Halloween looking-and and attract unwanted attention. It's hard enough to grieve for our loved ones but I really enjoy the calamity and uniformity of the existing cemetery which gives me great comfort knowing my Mom is buried in the place that she had chosen . I can't imagine Gates of Heaven getting converted to above ground crypts just so the cemetery can make more money. . Please consider not allowing upright crypts at Gates of Heaven. Thank you for your time and consideration!!

Karen Chen
Cupertino resident of 25 years
Portal/ Merritt neighborhood

Sent from my iPhone