



**DRAFT MINUTES
CUPERTINO CITY COUNCIL**
Wednesday, April 1, 2026

SPECIAL MEETING

At 5:31 p.m., Mayor Moore called the Special City Council Meeting to order in City Hall Conference Room C, 10300 Torre Avenue, Cupertino, CA 95014.

ROLL CALL

Present: Mayor Kitty Moore, Vice Mayor Liang Chao, and Councilmembers J.R. Fruen, Sheila Mohan, and R "Ray" Wang.

In open session prior to closed session, Mayor Moore opened the public comment period and the following members of the public requested to speak.

Planning Commissioner San Rao (representing self) (Item 2)

Mayor Moore closed the public comment period.

CLOSED SESSION

1. Subject: Conference with legal counsel - anticipated litigation; California Government Code Sections 54954.5(c) and 54956.9(d)(2): (1 case)

Council met with legal counsel regarding the anticipated litigation.

2. Subject: Conference with legal counsel - existing litigation; California Government Code Sections 54954.5(c) and 54956.9(d)(1): Garden Gate Coalition for Mary Avenue Safety v. City of Cupertino, Santa Clara Superior Court, Case No. 26CV488611

Council met with Legal Counsel on the existing litigation case: Garden Gate Coalition for Mary Avenue Safety v. City of Cupertino, Santa Clara Superior Court, Case No. 26CV488611.

RECESS

At 6:40 p.m., Mayor Moore recessed the meeting.

OPEN SESSION**CALL TO ORDER**

At 6:48 p.m., Mayor Moore reconvened the Special City Council Meeting in open session and led the Pledge of Allegiance in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

ROLL CALL

Present: Mayor Kitty Moore, Vice Mayor Liang Chao, and Councilmembers J.R. Fruen, Sheila Mohan, and R “Ray” Wang.

CLOSED SESSION REPORT

City Attorney Floy Andrews reported that there was no reportable action during the closed session held at 5:30 p.m.

POSTPONEMENTS AND ORDERS OF THE DAY – None**PUBLIC HEARINGS**

3. Subject: Consider a Tentative Map, Architectural and Site Approval, and Tree Removal Permit for the construction of a 51-unit townhome condominium development on Housing Element Priority Housing Sites 25 through 28. The project utilizes Senate Bill 330 and provisions of State Density Bonus law. (Application No(s): TM-2024-009, ASA-2024-015, TR-2024-044; Applicant: SummerHill Homes, LLC; Location: 10857, 10867, 10877, and 10887 Linda Vista Drive; APNs: 356-06-001, -002, -003, and -004). (Continued from March 17, 2026)

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).

Written communications for this item included emails to the Council, staff presentation, supplemental report and desk item including attachment Z - Santa Clara County Fire Department Response to Supplemental Questions.

Assistant Director of Community Development Luke Connelly gave a verbal report.

Senior Planner Emi Sugiyama gave a presentation.

Interim City Attorney Andrews stated that Councilmember Mohan does not have a conflict of interest and may participate in the item.

Councilmembers asked questions and made comments.

Pamela Lee, Partner with Aleshire & Wynder, answered questions and made comments.

Santa Clara County Fire Department (SCCFD) representatives, Assistant Chief Hector Estrada and Assistant Fire Marshal Brad Fox, P.E. (Professional Engineer), answered questions and made comments.

At 9:02 p.m., Mayor Moore recessed the meeting. The meeting reconvened at 9:15 p.m. with all Councilmembers present.

Councilmembers disclosed ex-parte communications prior to deliberation on this matter.

The following people spoke on behalf of the applicant:

- Austin Lin, Development Manager of SummerHill Homes, gave a presentation.
- Steve Bull, Vice President of Development of SummerHill Homes.
- Kevin Ebrahimi, Senior Vice President of Development of SummerHill Homes.
- Margo Bradish, Partner at Cox Castle.

MOTION: Moore moved and Wang seconded to extend the meeting past 11:00 p.m. to continue hearing Item No. 3 and Item No. 4. The motion passed with the following vote: Ayes: Moore, Chao, Fruen, Mohan and Wang. Noes: None. Abstain: None. Absent: None.

Mayor Moore opened the public hearing and the following members of the public spoke:

Planning Commissioner San Rao (representing self)

Jean Bedord
DerChang, representing group
Vikram Saxena, representing group
Ying Sosis
Brooke Ezzat
Mark Fantozzi, representing group
David Yan, representing group
Housing Commissioner Connie Cunningham (representing self)
Veronica Lentfer, representing group
Kenneth Javier-Rosales, representing Silicon Valley at Home
Patrick Sheehy
Frank Swanson
Danessa Techmanski
Louise Saadati
Rhoda Fry
Dennis Martin (virtually)
Louis Mirante (virtually)
Andrew Kau (virtually)
Lin Yuan (virtually)
Nicholas Kau (virtually)
Lisa Warren (virtually)
Planning Commissioner Steven Scharf, (representing self) (virtually)
Lia Chung (virtually)
Shubha Raghvendra (virtually)

At 11:35 p.m., Mayor Moore recessed the meeting. The meeting reconvened at 11:45 p.m. with all Councilmembers present.

Mayor Moore closed the public hearing.

Councilmembers asked questions and made comments.

Mayor Moore reopened the public hearing.

Councilmembers asked applicant questions.

Mayor Moore closed the public hearing.

MOTION: Moore moved and Wang seconded to deny the trail access. The motion passed with the following vote: Ayes: Moore, Chao, and Wang. Noes: Fruen and Mohan. Abstain: None. Absent: None.

MOTION: Moore moved to update the ownership information on the tentative vesting map to reflect the assessor's parcel numbers provided in the supplemental report. (There was no second and this motion was not voted on.)

MOTION: Chao moved and Wang seconded to find the project is not exempt from CEQA per Assembly Bill (AB) 130.

FRIENDLY AMENDMENT: Chao made a friendly amendment to:

1. Direct staff to bring back proposed fire hazard mitigation measures for adoption to include, but not limited to Section 4291 or Section 51182, Section 4290 and evacuation route and plan.
2. Find significant health and safety issues due to lack of evacuation plan and unjustified reduction of 30 foot setback.
3. Encourage smaller starter homes at this site for young families to meet the HE goals to affirmatively furthering fair housing, while meeting fire safety standards.

(Wang accepted the friendly amendment).

The motion failed with the following vote: Ayes: Chao and Wang. Noes: Fruen, Mohan and Moore. Abstain: None. Absent: None.

MOTION: Chao moved and Moore seconded the staff recommendation, as amended, to:

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)
 - b. Adopt Resolution No. 26-030 approving Architectural & Site Approval Permit (ASA-2024-015); and
 - c. Adopt Resolution No. 26-031 approving Tree Removal Permit (TR-2024-044); and
4. With the following amendments:
 - a. Do not include trail access (remove Condition 6).
 - b. Remove truck access restriction to the frontage of Linda Vista (remove Condition 85).
 - c. Add a condition to allow only non-combustible materials for perimeter fences.
 - d. Add parcel ownership details to the Vested Tentative Map (VTM) as described on Page 25 of the supplemental report.
 - e. Add a condition to allow the applicant's proposed two-story option for the five units with the language of the condition proposed by the applicant (subject to the City Attorney review). Authorize the Mayor and the City Attorney to make final determinations on the two-story design, working with the applicant.
 - f. Add a condition to provide environmental monitoring in accordance with Cupertino Municipal Code (CMC) Chapter 17.

The amended motion passed with the following vote: Ayes: Moore, Chao, Fruen, and Mohan. Noes: Wang. Abstain: None. Absent: None.

4. 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)

Written communications for this item included emails to the Council and staff presentation.

City Attorney Floy Andrews introduced the item.

Petitioner Joshua Safran, representing Garden Gate Coalition for Mary Avenue Safety, gave a statement.

Michelle Hernandez, Attorney with Aleshire & Wynder, gave a presentation.

Councilmembers asked questions and made comments.

Mayor Moore opened the public hearing and the following members of the public spoke:

Eli Robles, representing North Coast States Carpenters Union Local 405
Housing Commissioner Connie Cunningham (representing self)

Kenneth Javier-Rosales, representing Silicon Valley at Home
Planning Commissioner San Rao (representing self)
Jean Bedord
Ranjan Desai (virtually)

Councilmembers asked questions and made comments.

Mayor Moore closed the public comment period.

MOTION: Fruen moved and Mohan seconded the staff recommendation to:

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; and
4. Adopt Draft Resolution No. 26-033.

The motion passed with the following vote: Ayes: Moore, Chao, Fruen, and Mohan.
Noes: Wang. Abstain: None. Absent: None.

ADJOURNMENT

At 3:11 a.m., Thursday, April 2, 2026, Mayor Kitty Moore adjourned the Special City Council Meeting.

Minutes prepared by:

Lauren Sapudar, City Clerk