

CC 05-20-2025

Item No. 18

Modification to previous
approved permit for
Westport

Written Communications

From: [Gian Martire](#)
To: [City Clerk](#); [Benjamin Fu](#); [Luke Connolly](#); [Michael Woo](#); [Floy Andrews](#)
Cc: [Tina Kapoor](#); [Piu Ghosh \(she/her\)](#)
Subject: Fw: May 20th Council Hearing - Westport Project
Date: Monday, May 19, 2025 10:27:55 AM
Attachments: [Westport Cupertino letter of support - 5-19-2025.pdf](#)

FYI



From: Rafa Sonnenfeld <rafa@yimbylaw.org>
Sent: Monday, May 19, 2025 10:20 AM
To: City Council <citycouncil@cupertino.gov>
Cc: Gian Martire <GianM@cupertino.org>
Subject: May 20th Council Hearing - Westport Project

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 find attached YIMBY Law's letter of support for the Westport Cupertino Project.

Thank you,

Rafa Sonnenfeld he/him

Senior Manager



[Check out everything we achieved in 2024!](#)

YIMBY Law

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



YIMBY LAW

May 19, 2025

Mayor Liang Chao
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014-3255
lchao@cupertino.org

Re: May 20th Hearing on the Westport Cupertino Project

Dear Mayor Chao,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Government Code Section 65589.5, also known as the Housing Accountability Act ("HAA"), and the Minimum Parking Requirements law, Government Code section 65863.2, commonly known as "AB 2097." The City Council has an obligation to abide by all relevant state housing laws, including AB2097, when evaluating the above-referenced project.

We write this letter to express our continued concern about the City's position in the staff report for the proposed modifications to the Westport Cupertino project--adopted by the Planning Commission at its April 22 hearing on the project--that the project is not eligible to use AB2097 to reduce its previously approved parking because AB2097 cannot be applied retroactively. As recognized by two Planning Commissioners at the April 22 hearing, this position is incorrect and AB2097 clearly is available to the project.

In addition, we note that the City Council's decision to abruptly adjourn its May 6 meeting after agendaizing the project for a hearing raises an argument that the Council's meeting on May 20 will represent the fifth City hearing on the project's proposed modifications--the maximum number of hearings the City may hold under state housing law. Cal. Govt. Code § 65905.5.

YIMBY Law

2261 Market Street STE 10416

San Francisco, CA 94114

hello@yimbylaw.org



YIMBY LAW

We hope the City Council at its May 20 hearing will reject the staff report's unlawful condition regarding additional required parking and approve the proposed modifications without any additional unlawful conditions.

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.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style.

Sonja Trauss
Executive Director
YIMBY Law

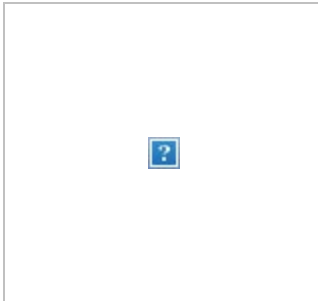
CC:

All City Councilmembers
citycouncil@cupertino.gov

Gian Martire, Senior Planner
GianM@cupertino.org

From: [Gian Martire](#)
To: [Benjamin Fu](#); [Luke Connolly](#); [City Clerk](#); [Floy Andrews](#); [Michael Woo](#)
Cc: [Tina Kapoor](#); [Piu Ghosh \(she/her\)](#)
Subject: Fw: HAC Updated Letter re Westport
Date: Monday, May 19, 2025 9:10:46 AM
Attachments: [HAC Letter re Westport Revised Program 5.19.2025.docx](#)

FYI



Gian Martire

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



From: Corey Smith <corey@housingactioncoalition.org>
Sent: Monday, May 19, 2025 9:04 AM
To: Liang Chao <lchao@cupertino.org>; City Council <citycouncil@cupertino.gov>
Cc: Gian Martire <GianM@cupertino.org>
Subject: HAC Updated Letter re Westport

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 Chao and members of the City Council,

Please see HAC's updated letter regarding the Westport project.

Respectfully,
Corey Smith
Executive Director, Housing Action Coalition

--

Corey Smith 陈锐 | Pronouns: He/Him
Executive Director | Housing Action Coalition
555 Montgomery Street, Suite 720, San Francisco, CA 94111
Cell: (925) 360-5290 | Office: (415) 300-0967



Email: corey@housingactioncoalition.org | Web: housingactioncoalition.org
Please note the new email and website.

To opt out of all HAC emails, respond to this email with "unsubscribe all".



555 Montgomery Street
Suite 720
San Francisco, CA 94111
info@housingactioncoalition.org
housingactioncoalition.org

May 19, 2025

Liang Chao
Mayor
City of Cupertino Planning Commission
10300 Torre Avenue
Cupertino, CA 95014-3255
Ichao@cupertino.org

Re: May 20 Hearing on the Westport Cupertino Project

Dear Mayor Chao:

The Housing Action Coalition wishes to reiterate to the City Council its message to the City's Planning Commission in its April 21, 2025 letter and May 5, 2025 letter to the City Council, which is that the staff report for the proposed modifications to the Westport Cupertino project incorrectly asserts that the project cannot use AB2097 to reduce its previously approved parking because AB2097 does not allow retroactive application to previously approved projects. Simply put, there is no basis in the text of AB2097 supporting staff's position and the staff report position on AB2097 is inconsistent with the clear intent of law and would be contrary to published guidance from State HCD.

We also wish to express our concern about the City Council's abrupt adjournment of its May 6 meeting after agendaizing the project for a hearing at the meeting. State housing law limits the number of hearings the City may hold on the project to five. Cal. Govt. Code § 65905.5.

The project was noticed for a hearing before the Planning Commission on February 25, 2025, though the project was not added to the Commission's February 25 agenda. The City's website landing page for the Westport Project then reflected that the Planning Commission hearing on the project would take place on March 11, 2025, which also never took place. Given the Planning Commission's hearing on the Project on April 22, 2025, and the Council's decision to adjourn its May 6, 2025 meeting before it reached the agenda item for the project, there is an argument that the City Council's May 20, 2025 hearing on the project will be the City's fifth.

We encourage the City to avoid potential legal exposure for failure to take action on the project by approving the proposed modifications without delay and without any unlawful conditions related to parking or otherwise.



555 Montgomery Street
Suite 720
San Francisco, CA 94111
info@housingactioncoalition.org
housingactioncoalition.org

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Smith", is written over a light gray rectangular background.

Corey Smith, *Executive Director*
Housing Action Coalition (HAC)

CC:

All City Councilmembers
citycouncil@cupertino.gov

Gian Martire
Senior Planner
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014-3255
GianM@cupertino.org

From: [Gian Martire](#)
To: [City Clerk](#)
Cc: [Luke Connolly](#); [Piu Ghosh \(she/her\)](#); [Benjamin Fu](#)
Subject: Fw: Letter Regarding Item #13 on City Council's Agenda for May 6 (Westport Project Building #1)
Date: Tuesday, May 13, 2025 1:38:09 PM
Attachments: [Letter to Cupertino re Westport Project Modification Hearings_051325.pdf](#)

FYI



From: Nicholas Roosevelt <nroosevelt@jabramslaw.com>
Sent: Tuesday, May 13, 2025 12:25 PM
To: Liang Chao <lchao@cupertino.org>; City Council <citycouncil@cupertino.gov>
Cc: James Abrams <jabrams@jabramslaw.com>; Simsik, Balint <Balint.Simsik@related.com>; Gian Martire <GianM@cupertino.gov>; Floy Andrews <FloyA@cupertino.gov>; City Attorney's Office <cityattorney@cupertino.gov>; DeWitt, Cascade <cascade.zak@related.com>
Subject: Re: Letter Regarding Item #13 on City Council's Agenda for May 6 (Westport Project Building #1)

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 Chao and Councilmembers—

Attached please find a letter from the project sponsor of Westport Building 1 regarding the upcoming May 20 hearing on the project.

Thank you,

Nick

Nick Roosevelt
J. Abrams Law, P.C.
538 Hayes Street
San Francisco, CA 94102

Email: nroosevelt@jabramslaw.com
Cell: (504)-717-9251

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From: Nicholas Roosevelt <nroosevelt@jabramslaw.com>
Date: Monday, May 5, 2025 at 9:01 PM
To: DeWitt, Cascade <cascade.zak@related.com>, lchao@cupertino.org <lchao@cupertino.org>, citycouncil@cupertino.gov <citycouncil@cupertino.gov>
Cc: James Abrams <jabrams@jabramslaw.com>, Simsik, Balint <Balint.Simsik@related.com>, Gian Martire <GianM@cupertino.gov>, Floy Andrews <FloyA@cupertino.gov>, cityattorney@cupertino.gov <cityattorney@cupertino.gov>
Subject: Re: Letter Regarding Item #13 on City Council's Agenda for May 6 (Westport Project Building #1)

Hello—

We understand at least some councilmembers have had an issue access thing the letter through the share links. I am hoping the compressed version attached can be open by all recipients. Please let me know if you have issues accessing.

-Nick

Nick Roosevelt
J. Abrams Law, P.C.
538 Hayes Street
San Francisco, CA 94102

Email: nroosevelt@jabramslaw.com
Cell: (504)-717-9251

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From: DeWitt, Cascade <cascade.zak@related.com>
Date: Monday, May 5, 2025 at 1:32 PM
To: Nicholas Roosevelt <nroosevelt@jabramslaw.com>, lchao@cupertino.org <lchao@cupertino.org>, citycouncil@cupertino.gov <citycouncil@cupertino.gov>
Cc: James Abrams <jabrams@jabramslaw.com>, Simsik, Balint <Balint.Simsik@related.com>, Gian Martire <GianM@cupertino.gov>, Floy Andrews

<FloyA@cupertino.gov>, cityattorney@cupertino.gov <cityattorney@cupertino.gov>
Subject: RE: Letter Regarding Item #13 on City Council's Agenda for May 6
(Westport Project Building #1)

Please try this link:

Cascade Zak DeWitt
(415) 342-4638
cascade.zak@related.com

From: Nicholas Roosevelt <nroosevelt@jabramslaw.com>
Sent: Monday, May 5, 2025 12:55 PM
To: lchao@cupertino.org; citycouncil@cupertino.gov
Cc: James Abrams <jabrams@jabramslaw.com>; Simsik, Balint <Balint.Simsik@related.com>; DeWitt, Cascade <cascade.zak@related.com>; Gian Martire <GianM@cupertino.gov>; Floy Andrews <FloyA@cupertino.gov>; cityattorney@cupertino.gov
Subject: Letter Regarding Item #13 on City Council's Agenda for May 6 (Westport Project Building #1)

Dear Mayor Chao and Councilmembers—

In the following link, please find a letter regarding tomorrow's hearing on the proposed modifications to Westport Project Building 1 (Item #13 on the Council's agenda for tomorrow evening):

Please do not hesitate to contact me if you have any issue accessing the file link (the link is necessary as opposed to an email attachment due to the size of the attached September 6, 2024 plan set for the proposed modifications).

Thanks,

Nick

Nick Roosevelt
J. Abrams Law, P.C.
538 Hayes Street
San Francisco, CA 94102

Email: nroosevelt@jabramslaw.com
Cell: (504)-717-9251

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J. ABRAMS LAW, P.C.

538 Hayes Street
San Francisco, CA 94102

Nick Roosevelt
nroosevelt@jabramslaw.com

VIA E-EMAIL

May 13, 2025

Mayor Liang Chao
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014-3255
lchao@cupertino.org

Re: Westport Cupertino Project, Building 1

Dear Mayor Chao and Councilmembers:

This firm represents the sponsor of the “Building 1” senior housing development (“Building 1”) within the Westport Cupertino project (the “Project”). We write this letter to reiterate the sponsor’s disappointment and frustration over the abrupt adjournment of the Council’s May 6 meeting before the hearing on Building 1’s proposed modifications (Item #13 on the agenda). We remain unsatisfied with the stated Brown Act justification for adjournment given the physical presence of a quorum of members at the meeting and the underlying issue of whether Councilmember Wang’s remote participation in the meeting from an unspecified location within “Terminal 3, Departures” of the Dubai Airport complied with the Brown Act at all.¹

A City Council hearing on May 20, 2025 will be:

- 11 months since the Building 1 modification applications were submitted on June 17, 2024;
- Nearly 7 months since the applications were accepted as complete on October 31, 2025;
- 5 months since City staff finalized an addendum to the Project’s EIR; and
- Nearly 3 months since the City first noticed a hearing on the application before the Planning Commission on February 25, 2025.

¹ We do wish to extend a note of thanks to Mayor Chao and City staff for expediently re-noticing the Project hearing for May 20 after we pointed out that the Council had not continued the Project hearing to a date certain.

Attachment 1 to this letter provides a more detail summary of the delays in hearing scheduling that have occurred this year.

The project team has engaged with City staff and decisionmakers in good faith over the past year in an effort to arrive at modifications to Building 1 that temper sponsor's utilization of available state laws to reduce the cost of producing much needed senior housing for the City with input from City stakeholders concerned about the amount of off-street parking and ground-level retail. This includes retaining a substantial amount of surface-level parking (rather than entirely eliminating Building 1's parking requirement under AB-2097) and retaining 4,000 square feet of ground floor retail in Building 1 (rather than entirely eliminating the City's ground-floor retail requirements via State Density Bonus Law incentive/concession).

We ask that the Council appreciate this and avoid further delay in approving the Building 1 modification proposal in a manner that is consistent with sponsor's application and the requests and clarifications set forth in our May 5, 2025 letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick V. Roosevelt", with a stylized flourish at the end.

Nick Roosevelt

CC:

All City Councilmembers
citycouncil@cupertino.gov

Gian Martire
Senior Planner
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014-3255
GianM@cupertino.org

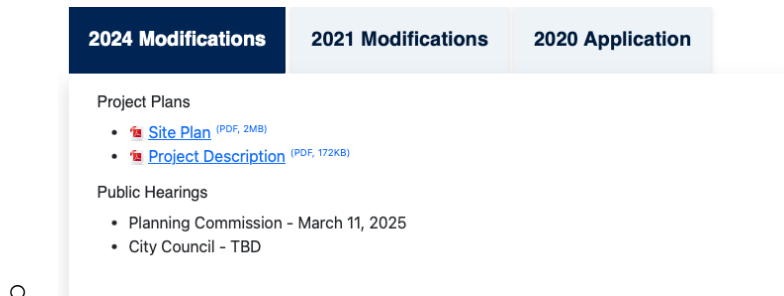
Floy Andrews
City Attorney
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014 fandrews@awattorneys.com

ATTACHMENT 1

The application for the proposed modifications to Building 1 was submitted June 17, 2024 and accepted by Planning staff as complete on October 31, 2024. City staff initially noticed the proposed modifications for a hearing before the Planning Commission on February 25, 2025, then successively rescheduled to March 11, and then April 22 based on varying justifications including errors in required public noticing, onboarding of new staff, and the need for further time for City decisionmakers to understand the state laws being invoked as part of the proposed modifications.

Specifically,

- **February 25, 2025 Planning Commission Hearing.** Sponsor was informed that this hearing date had to be continued on February 18, 2025 based on a staff error regarding the required radius of hearing noticing.
- **March 11, 2025 Planning Commission Hearing.** This hearing date (posted on the City's website as shown in the screengrab below) was postponed to provide additional time for staff to coordinate with the new City Attorney.



- **April 22, 2025 Planning Commission Hearing.** The Building 1 modifications were finally heard by the Planning Commission on this date.
- **May 6, 2025 City Council Hearing.** The Building 1 modifications were Item #13 on the meeting agenda; however, after a hearing on Item #9 and a brief recess, the Council reconvened only to abruptly adjourn the meeting without continuing any of the remaining items on its agenda based on a cited concern about Brown Act compliance due to Councilmember Wang needing to catch a flight from the Dubai airport (as summarized at the start of our letter).