



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Wednesday, October 23, 2024

SPECIAL MEETING

At 6:00 p.m., Mayor Sheila Mohan called the Special City Council Meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

ROLL CALL

Present: Mayor Sheila Mohan, Vice Mayor J.R. Fruen, and Councilmembers Liang Chao and Kitty Moore. Absent: Councilmember Hung Wei

STUDY SESSION

1. Subject: Statewide Housing Laws that Apply to Applications for Housing Development Projects
Recommended Action: Receive report regarding statewide housing laws that apply to applications for housing development projects in the City of Cupertino
Presenter: Barbara Kautz, Goldfarb & Lipman LLP

Written communications for this item included a presentation, a supplemental report with staff responses to councilmember questions, and emails to Council.

Attorney Barbara Kautz of Goldfarb & Lipman LLC gave a presentation.

Councilmembers asked questions and made comments.

Mayor Mohan opened the public comment period and the following members of the public spoke.

San R

Manuel Salazar, on behalf of SV@Home

Housing Commissioner Connie Cuningham (representing self)

Venkat Ranganathan

Parks and Recreation Commissioner Jennifer Shearin (representing self)

Lisa Warren

Housing Commissioner Govind Tatachari (representing self)

Steve Jacobs

Parks and Recreation Commissioner Claudio Bono (representing self)

Louise Saadati

Mayor Mohan closed the public comment period.

Fruen requested an informational memo on the applicability of settlement and how a Builder's Remedy project might be processed.

At 7:03 p.m., Mayor Mohan recessed the meeting. The meeting reconvened at 7:13 p.m. with all Councilmembers present (Wei absent).

Councilmembers asked questions about and discussed the following topics:

- Environmental review for future projects, including the possibility of tiering environmental review from the environmental assessment adopted pursuant to state law.
- Density Bonus law related questions including application of standards such as, retail frontage requirements and city practices for applying concessions.
- Builders Remedy projects, their eligibility and timelines related to vested rights, findings for denial of a Builders Remedy project that could have neighborhood impacts and how neighborhoods can exercise rights; and what narrow standards qualify for denial.
- Process to amend an adopted Housing Element.
- New state laws related to housing development, including AB 2243, AB 1893, changes to mitigation fees, revision of SB 9 and new state bills for expanded range of projects that will qualify for ministerial approval.
- Adoption and certification of Housing Elements and whether cities could self-certify their Housing Elements.
- State Constitutional claim for lost revenue by losing commercial development to residential development.

Council received the report regarding statewide housing laws that apply to applications for housing development projects in the City of Cupertino.

ADJOURNMENT

At 7:50 p.m., Mayor Mohan adjourned the Special City Council Meeting.

Minutes prepared by:

Kirsten Squarcia, City Clerk