

CITY OF CUPERTINO



CUPERTINO

AGENDA

**Special Meeting Non-Televised Closed Session (5:30) and Televised
Open Session (6:30)**

Wednesday, April 1, 2026

5:30 PM

**10300 Torre Avenue and 10350 Torre Avenue, Council Chamber and via
Teleconference**

City Council

**KITTY MOORE, MAYOR
LIANG CHAO, VICE MAYOR
J.R. FRUEN, COUNCILMEMBER
SHEILA MOHAN, COUNCILMEMBER
R "RAY" WANG, COUNCILMEMBER**

**IN PERSON AND TELECONFERENCE MEETING
For more information: (408) 777-3200 | www.cupertino.gov**

CONDUCT OF BUSINESS

The Mayor is the presiding officer of the City Council. Any member of the public may speak on any item on the agenda for up to three minutes. All statements and questions must be addressed to the Mayor.

City Council hearings serve as a venue for the discussion of sometimes divergent points of view. Please respect the opinions of others and refrain from cheering or clapping. That may delay the meeting or intimidate other persons wishing to express alternate views. Actions that disrupt the meeting will result in a warning, followed by removal if disruption continues.

Oral public comments will be accepted during the meeting. Comments may be made during "oral communications" for matters not on the agenda, and during the public comment period for each agenda item. Identifying yourself is voluntary and not required to attend the meeting or provide comments.

PUBLIC HEARINGS

The City Council is required by law to hold public hearings on certain matters prior to making its decision. Notice to interested parties is given by legal advertisement in the local newspaper of general circulation at least 10 calendar days preceding the hearing date. Applications requiring public hearings include change of zoning, variances, use permits, and tentative maps.

COUNCIL MEETINGS

The City Council regularly meets the first and third Tuesdays of each month. These meetings are held at 6:45 p.m. Closed sessions, when needed, are normally held at 6:00 p.m. Closed sessions cover items such as personnel, litigation, or the sale, purchase, or lease of property. The law requires certain actions taken in closed session to be reported in open session.

Urgent business, holidays, or election days may trigger special or adjourned meetings. These meetings will be noticed beforehand.

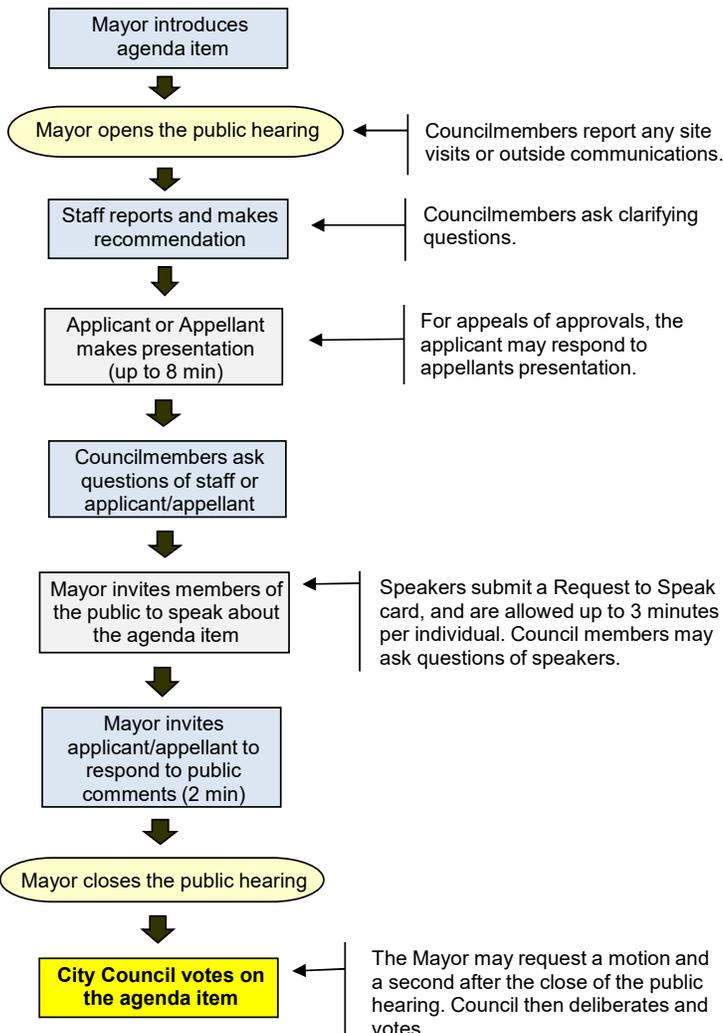
AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

Agendas, minutes, and packets for current and prior City Council and Planning Commission meetings are available at www.cupertino.org, or you can purchase the items on CD.

CITY COUNCIL DECISION IS FINAL

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to [www.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

FLOWCHART FOR HEARING ITEMS:



IN-PERSON AND TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION**OPTIONS TO OBSERVE:**

Members of the public wishing to observe the meeting may do so in one of the following ways:

- 1) Attend in person at Cupertino Community Hall, 10350 Torre Avenue.
- 2) Tune to Comcast Channel 26 and AT&T U-Verse Channel 99 on your TV.
- 3) Watch a live stream online at www.Cupertino.gov/youtube and www.Cupertino.org/webcast
- 4) Attend in person at a remote Teleconference Location noticed pursuant to Gov. Code 54953(b)(2), which location, if noticed, would be stated on the cover page of this agenda.

OPTIONS TO PARTICIPATE AND COMMENT:

Members of the public wishing to address the City Council may do so in the following ways:

- 1) Appear in person for Closed Session in City Hall, Conference Room C or for Open Session in Cupertino Community Hall.
 - A. During "Oral Communications", the public may comment on matters not on the agenda, and for agendized matters, the public may comment during the public comment period for each agendized item.
 - B. Speakers are requested to complete a Speaker Card. While completion of Speaker Cards is voluntary and not required to attend the meeting or provide comments, it is helpful for the purposes of ensuring that all speakers are called upon.
 - C. Speakers must wait to be called, then proceed to the lectern/podium and speak into the microphone when recognized by the Mayor.
 - D. Speakers are limited to three (3) minutes each. However, the Mayor may reduce the speaking time depending on the number of people who wish to speak on an item. A speaker representing a group between 2 and 5 members of the public in attendance may have up to 2 minutes per group member to speak, up to 10 minutes maximum.
 - E. Please note that due to cyber security concerns, speakers are not allowed to connect any personal devices at the lectern/podium. However, speakers that wish to share a document (e.g. presentations, photographs or other documents) during oral comments may do so in one of the following ways:
 - a) At the overhead projector at the podium, or
 - b) E-mail the document to cityclerk@cupertino.gov by 3:00 p.m. and staff will advance the slides/share the documents during your oral comment.
- 2) Written Communications as follows:

A. E-mail comments to the City Council for Closed Session or Open Session at publiccomment@cupertino.gov as follows:

- a. E-mail comments must be received by 4:00 p.m. on the day of the meeting in order to be forwarded to the City Council before the meeting.**
- b. Emailed comments received following agenda publication but prior to, or during, the meeting, will be posted to the City's website after the meeting.**
- c. These e-mail comments will also be received by each City Councilmember, the City Manager, and the City Clerk's Office. Comments on non-agenda items sent to any other email address will be included upon the sender's request.**

B. Regular mail or hand delivered addressed to the: City Council, City Hall, 10300 Torre Avenue, Cupertino, CA 95014

3) Open Session Teleconference in one of the following ways:

A. Online via Zoom on an electronic device (Audio and Video): Speakers must register in advance by clicking on the link below to access the meeting:

https://cityofcupertino.zoom.us/webinar/register/WN_0AcTWr6MQaakCjLV1qI1Vg

- a) Registrants will receive a confirmation email containing information about joining the webinar.**
- b) Speakers will be recognized by the name they use for registration. Once recognized, speakers must click 'unmute' when prompted to speak.**
- c) Please read the following instructions about technical compatibility carefully: One can directly download the teleconference (Zoom) software or connect to the meeting in their internet browser. If a browser is used, make sure the most current and up-to-date browser, such as the following, is used: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers, including Internet Explorer.**

B. By Phone (Audio only): No registration is required in advance and speakers may join the meeting as follows:

- a) Dial 669-900-6833 and enter WEBINAR ID: 832 3800 9200**
- b) To "raise hand" to speak: Dial *9; When asked to unmute: Dial *6**
- c) Speakers will be recognized to speak by the last four digits of their phone number.**

C. Via an H.323/SIP room system:

Join from an H.323/SIP room system:

H.323:

144.195.19.161 (US West)

206.247.11.121 (US East)

Meeting ID: 832 3800 9200

SIP: 83238009200@zoomcrc.com

D. Online via the teleconferencing device (Audio and Video) being used to provide access to the meeting from a remote Teleconference Location noticed pursuant to Gov. Code 54953(b)(2), which location, if noticed, would be stated on the cover page of this agenda.

a) Speakers are required to notify the City Clerk via email to cityclerk@cupertino.gov prior to noon on the date of the meeting during which they plan to participate and comment from the remote location noticed to ensure the City Clerk is prepared to accept their comment.

b) If the teleconferencing device malfunctions impeding access to the meeting from the remote location, the speaker may alternatively participate via the other options for remote participation provided above.

NOTICE AND CALL FOR A SPECIAL MEETING OF THE CUPERTINO CITY COUNCIL

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Wednesday, April 01, 2026, commencing at 5:30 p.m. in City Hall, Conference Room C, 10300 Torre Avenue, Cupertino, California 95014, and 6:30 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California 95014 and via teleconference. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting."

SPECIAL MEETING

ROLL CALL - 5:30 PM

10300 Torre Avenue, Conference Room C

CLOSED SESSION

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

RECESS

OPEN SESSION

CALL TO ORDER - 6:30 PM

10350 Torre Avenue and via Teleconference

PLEDGE OF ALLEGIANCE

ROLL CALL**CLOSED SESSION REPORT****POSTPONEMENTS AND ORDERS OF THE DAY****PUBLIC HEARINGS**

Government Code Section 65103.5 limits the distribution of copyrighted material associated with the review of development projects. Members of the public wishing to view plans that cannot otherwise be distributed under Govt. Code Section 65103.5 may make an appointment with the Planning Division to view them at City Hall by sending an email to planning@cupertino.gov. Plans will also be made available digitally during the hearing to consider the proposal.

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).

[Staff Report \(031726\)](#)
[A - Draft Resolution for TM-2024-009](#)
[B - Draft Resolution for ASA-2024-015](#)
[C - Draft Resolution for TR-2024-044](#)
[D - Applicable Standards Matrix](#)
[E - AB 130 CEQA Exemption Memo](#)
[F - Alternative Means and Methods Request Approval](#)
[G - County Fire Review Letter](#)
[H - Geotechnical Report](#)
[I - Geotechnical Report Peer Review](#)
[J - Biological Report.pdf](#)
[K - Biological Report Peer Review](#)
[L - Phase I Environmental Site Assessment](#)
[M - Phase II Environmental Site Assessment](#)
[N - Phase I and Phase II ESA Applicant Review](#)
[O - Phase I and II ESA Peer Review](#)
[P - Underground Storage Tank Closure Report](#)
[Q - Public Comments \(2-25-2026 to 3-10-2026\)](#)
[R - Public Comments \(01-01-2024 to 02-24-2026\)](#)
[S - Final Transportation Study](#)
[T - Project Site Plan](#)
[U - Supplemental Report \(031726\) and Project Plan Set.pdf](#)

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)

[Responses to Petitions for Reconsideration](#)[1 - Petition for Reconsideration of City Council Approvals of Mary Avenue Villas Project \(February 27, 2026\)](#)[2 - Petition for Reconsideration of City Council Resolutions \(March 13, 2026\)](#)[3 - Draft Resolution Denying Petition for Reconsideration dated 2.27.26](#)[4 - Draft Resolution Denying Petition for Reconsideration dated 3.13.26](#)[A – Minutes Dated February 3, 2026](#)[B – Transcript Dated February 3, 2026](#)[C – Agenda dated July 15, 2025 \(Including staff reports and attachments\)](#)[D – Agenda dated February 3, 2026 \(Including staff reports and attachments\)](#)[E – Staff Presentation \(020326\)](#)[F – Staff Report Dated December 2, 2025](#)[G – Supplemental Report Dated February 3, 2026](#)[H – CC Resolution No. 26-018 Approving DDA](#)[I – Informational Memo Dated August 28, 2025](#)[J – Staff Report dated April 15, 2025](#)[K – Excerpt of Supplemental Report dated September 4, 2025](#)[L - Agenda dated March 3, 2026 \(Including staff reports and attachments\)](#)[M – Staff Presentation regarding Mary Avenue property Exempt Surplus Land \(030326\)](#)[N - Staff Presentation regarding Vacating a Portion of Public Right-of-Way on Mary Avenue \(030326\)](#)[O – Minutes dated March 3, 2026](#)[P - CC Resolution No. 26-016 approving Architectural & Site Approval Permit \(ASA-2025-006\)](#)[Q - CC Resolution No. 26-024 approving the vacation of a portion of public right-of-way located along the westerly boundary of Mary Ave \(APN 326-27-053\)](#)[R - CC Resolution No. 26-025 declaring the Mary Avenue property \(APN 326-37-053\) to be exempt surplus land pursuant to the provision of the Surplus Land Act](#)

ADJOURNMENT

Lobbyist Registration and Reporting Requirements: Individuals who influence or attempt to influence legislative or administrative action may be required by the City of Cupertino's lobbying ordinance (Cupertino Municipal Code Chapter 2.100) to register and report lobbying activity. Persons whose communications regarding any legislative or administrative are solely limited to appearing at or submitting testimony for any public meeting held by the City are not required to register as lobbyists. For more information about the lobbying ordinance, please contact the City Clerk's Office at 10300 Torre Avenue, Cupertino, CA 95014; telephone (408) 777-3223; email cityclerk@cupertino.org; and website: www.cupertino.org/lobbyist.

The City of Cupertino has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a final decision of the City Council must be brought within 90 days after a decision is announced unless a shorter time is required by State or Federal law.

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to

<http://www.cupertino.org/cityclerk> for a reconsideration petition form.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 48 hours in advance of the meeting to arrange for assistance. In addition, upon request in advance by a person with a disability, meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

Any writings or documents provided to a majority of the Cupertino City Council after publication of the packet will be made available for public inspection in the City Clerk's Office located at City Hall, 10300 Torre Avenue, Cupertino, California 95014, during normal business hours; and in Council packet archives linked from the agenda/minutes page on the City web site.

IMPORTANT NOTICE: Please be advised that pursuant to Cupertino Municipal Code section 2.08.100 written communications sent to the City Council, Commissioners or staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City website and kept in packet archives. Do not include any personal or private information in written communications to the City that you do not wish to make public, as written communications are considered public records and will be made publicly available on the City website.

THE CITY COUNCIL AND STAFF

CITY COUNCIL

Cupertino is a General Law city organized under and subject to statutes of the State of California. It is governed by the five-member City Council with the Mayor as the presiding officer. City Council members are elected at-large to four-year, overlapping terms. Each November a mayor and a vice-mayor are selected by the City Council for a one-year term.

The City Council receives advice and assistance from eleven advisory bodies, which are appointed by the Council. These are the Audit Committee, Bicycle Pedestrian Commission, Fine Arts Commission, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Public Safety Commission, Sustainability Commission, Teen Commission, and Technology, Information, and Communications Commission.

Council members also serve on a variety of regional bodies, including:

- Association of Bay Area Governments
- League of California Cities
- Santa Clara County (SCC) Cities Association
- SCC Emergency Preparedness Council
- SCC Library District
- SCC Emergency Preparedness Commission
- Santa Clara Valley Water Commission and Water District
- SCC Transportation Authority
- West Valley Mayors and Managers

STAFF

The City Manager and the City Attorney are appointed by the Council. The City Manager is responsible for interpreting and carrying out Council policies and direction, and as the chief administrative officer, the City Manager coordinates the many activities of the city and appoints the professional and technical staff. The City Attorney is the advisor to the City Council as a whole.

TYPES OF COUNCIL ACTIONS

ORDINANCES

Ordinances are the means by which the City enacts its local laws. Unless an urgent situation exists, ordinances will first be presented at a Council meeting as a "first reading." At a subsequent Council meeting, there will be a "second reading and adoption." Ordinances go into effect after a waiting period of thirty days, in most cases, during which time the summary of the ordinance is published in a local newspaper approved for this purpose.

RESOLUTIONS

Resolutions and minute orders are the means by which the City Council formally adopts policies or approves specific actions. These go into effect when adopted.

APPEALS

Any interested person, including a Council member, may appeal a Planning Commission or Director of Community Development decision to the City Council. An appeal must be submitted in writing to the City Clerk within 14 calendar days of the mailing of the notice of the decision.

RECONSIDERATION

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to [www.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

COMMUNICATING WITH COUNCIL

All Council members:	citycouncil@cupertino.gov	
Kitty Moore	KMoore@cupertino.gov	(408) 777-1389
Liang Chao	LiangChao@cupertino.gov	(408) 777-3192
J.R. Fruen	JRFruen@cupertino.gov	(408) 777-1316
Sheila Mohan	SMohan@cupertino.gov	(408) 777-1326
R "Ray" Wang	RWang@cupertino.gov	(408) 777-3138
Executive Assistant	serenat@cupertino.gov	(408) 777-3139
City Hall	www.cupertino.gov	(408) 777-CITY

Please note: the City Council discourages submission of written materials on the day of the meeting as this does not provide enough time to give the materials fair evaluation. If you must provide written materials on the day of the meeting, as least one copy must be given to the City Clerk for the permanent record, and ten copies are preferred.

NEWS AND NOTICES FROM CITY HALL

EMAIL

Sign up for e-notification of agendas, elections, and other news on the city website at www.cupertino.gov/notify

TELEVISION

The City Channel broadcasts City Council and Planning Commission meetings, as well as agenda previews, public service announcements, and other programs of community interest, on Channel 26 in Cupertino. The meetings are shown at these times:

Tuesday (live)	6:45 p.m.	Friday (replay)	10:00 a.m.
Thursday (replay)	7:00 p.m.	Saturday (replay)	9:00 a.m.

INTERNET

City Council and Planning Commission videos are available on demand at www.cupertino.org. Select "I Want To, View City Council meetings".

News and community information can also be found at:

<https://www.facebook.com/cityofcupertino/>

<https://twitter.com/CityofCupertino>

<https://www.instagram.com/cityofcupertino>

AUDIO

Tune into Radio Cupertino, 1670 AM, for meeting announcements, public service messages, and emergency announcements.

USEFUL TELEPHONE NUMBERS

City of Cupertino (City Hall)	General Information and Comments	(408) 777-CITY
Fire (Emergency)	Santa Clara County Fire Dept. dispatch	911
Fire (Non-Emergency)	Santa Clara County Fire Dept.	(408) 378-4010
Garbage	Recology South Bay	(408) 725-4020
Gas & Electricity	Pacific Gas & Electric (PG&E)	1-800-743-5000
Recreation & Community Services	Quinlan Community Center	(408) 777-3120
Police (Emergency)	Santa Clara County Sheriff dispatch	911
Police (Non-Emergency)	Santa Clara County Sheriff	(408) 868-6600
Public Health	Santa Clara County Public Health	(408) 732-3720
Sanitary Sewers	Cupertino Sanitary District	(408) 253-7071
Water	San Jose Water	(408) 279-7900
	California Water	(650) 917-0152