



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Tuesday, September 18, 2019

**SPECIAL CITY COUNCIL MEETING**

At 5:30 p.m. Mayor Steven Scharf called the Special City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue.

**ROLL CALL**

Present: Mayor Steven Scharf, Vice Mayor Liang Chao, and Councilmembers Darcy Paul, Rod Sinks, and Jon Robert Willey. Absent: None.

**ORAL COMMUNICATIONS**

Peggy Griffin (Cupertino resident) talked about Resolution Nos. 15-087 and 15-042 having missing and incorrect documents online and maps not being consistent. (provided written comments).

Jennifer Griffin talked about a housing bill passed in Portland, Oregon regarding historical neighborhoods and concern over this occurring in California.

**STUDY SESSION**

1. Subject: Study Session regarding status of the Objective Standards Update to General Plan and Zoning Ordinance FY-2019-2020 Work Program Item (Application No.: CP-2019-03; Applicant: City of Cupertino; Location: City-wide), provide direction to staff.  
Recommended Action: That the City Council receive this report, staff presentation, and public comment and provide direction to staff.

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

Director of Community Development Ben Fu reviewed the presentation.

Staff answered questions from Council.

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin – concern over bills passed in Oregon and having to define Cupertino to Sacramento; concern over keeping Heart of the City.

Peggy Griffin (Cupertino resident) – revisit phases 1.5 and 2 after finishing phase 1; specify minimums for all retail; define parks and open space; noted some additional examples from the packet.

Lisa Warren – increase 1:1 to 1.5 everywhere; Attachment B is noted as Attachment 2; move parks to phase 1; plug holes of consolidation per acre.

Kitty Moore – speaking for herself: should have been a joint session with Planning Commission; move ahead with CalGreen Tier 2 standards; study on restaurant impact to environment; density bonus law needs Municipal Code update; study Santa Rosa whitepaper as a study session and look at legal concerns; speaking on behalf of the Planning Commission: traffic map noting arterials and streets defined; roof policy for solar and green roofs; land use map in 2015 not online; would like to see every revision noted on map.

Council comments included (loose summary):

Chao: Footnote #3 – make a summary of all setbacks; Footnote #1 wants 1.5 slope line rather than 1:1; clarify arterial streets; setback and slope in neighborhoods near commercial; (Footnote #3); don't want PC recommendation on Footnote 3 on page 4; include Floor Area Ratio (FAR) when consider design guidelines; clarify original intent of LU2 map when Council approved it that Bubb Rd. won't be 20 units per acre but only on footprint and not meant to apply everywhere regarding how many acres; also understand what is currently build-out on Bubb Rd; consistent in LU map to note "up to" a certain number of units per acre rather than a specific number; look at objective standard on retail and what consider retail and frontage; require have to lower rent in retail if vacant until leased; important that Heart of City (HOC) have requirement of 70% frontage but how specify that so can have viable retail; phase 1 have minimum retail space identified; #4 of attachment D move to phase 2; clarify what is parkland on phase 1 that it must be on the ground; request to schedule a density bonus study session; make sure justification for concessions from applicant are justified and see how other cities are reviewing this.

Willey: On Vallco Parkway reflect what residents would expect so not surprised; form-based code; make very specific standards in conservative respect (footnote that developer could always ask for a General Plan Amendment (GPA) for density but not entitlement to exceed 35 foot); be clear and specific at Vallco that housing is per acre; can't combine acreage

and consolidating appropriate density; what do residents want as far as how much housing in a particular area; want inclusive community and more housing that allows people to own a home and call Cupertino home; facilitate as much housing as can for traffic, community, schools, etc.

Paul: if allocation in danger of turning into entitlement than better not have allocations; looking to get rid of neutral area classifications or have some maneuvering room; clarify density of units per acre; generally agrees with recommendations of Planning Commission; have one proposal for one development at a time and look into to see what other jurisdictions are doing.

Scharf: agrees with Paul's comments about allocation; agrees with Chao's comments regarding Bubb Rd; look at what other cities have done regarding density of units per acre and square footage; address comments in letter from Commissioner Moore; agrees with Chao to study what is considered retail; if developer can't lease retail in mixed-use housing development than should reduce lease until retail is leased; would like more housing only and less mixed-use and have retail separate; hesitant to require certain amount of retail; have staff explore retail options; concentrate on addressing housing right now; shouldn't rush to do rezoning for every economic cycle and should be flexible.

Sinks: clarifications helpful; make sure timeline on projects not too tight; want more housing but don't overdo; flexibility to be able to hold back on things such as hotel rooms and have a conversation to see what can be done (community benefits); bring landowners and developers to the table together to craft a win-win.

Council concurred to continue the study session to October 1.

## **ADJOURNMENT**

At 8:10 p.m., Mayor Scharf adjourned the meeting.

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Grace Schmidt, City Clerk