



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Thursday, January 13, 2022**

**SPECIAL MEETING**

At 6:46 p.m. Mayor Darcy Paul called the Special City Council meeting to order. This was a teleconference meeting with no physical location.

**ROLL CALL**

Present: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Absent: None. All Councilmembers teleconferenced for the meeting.

**PUBLIC HEARINGS**

1. Subject: Consider a development proposal to demolish an existing commercial building and residential unit, remove and replace four (4) protected trees, and construct a mixed-use development consistent of 18 units (five apartments, five single-family homes, and eight townhomes), and 4,500 square feet of commercial space. (Application No(s): EA-2018-06, Z-2018-02, DP-2018-07, TM-2018-04, U-2018-04, ASA-2018-09, TR-2018-39; Applicant(s): Dan Shaw (SCR Enterprises); Location 10625 South Foothill Boulevard; APN#s 342-16-087, -088)  
Recommended Action: The Planning Commission recommends that the City Council:
  - A. Adopt Resolution No. 22-001, adopting the Mitigated Negative Declaration and associated mitigations as conditions of approval (EA-2018-06);
  - B. Introduce and Conduct the first reading of Ordinance No. 22-2236 "An Ordinance of the City Council of the City of Cupertino approving the Rezoning of two parcels from Planned Development with General Commercial Uses (P(CG)) to Planned Development with General Commercial and Residential Uses (P(CG, Res))" (Z-2018-02);
  - C. Adopt Resolution No. 22-002 approving the Development Permit (DP-2018-07);
  - D. Adopt Resolution No. 22-003 approving the Architectural and Site Approval Permit (ASA-2018-09);
  - E. Adopt Resolution No. 22-004 approving the Conditional Use Permit (U-2018-04);
  - F. Adopt Resolution No. 22-005 approving the Tree Removal Permit (TR-2018-39); and
  - G. Adopt Resolution No. 22-006 approving the Tentative Map Permit (TM-2018-04)

Written Communications for this item included a staff presentation, Updated Attachment B - Draft Ordinance for Z-2018-02, Amended Attachment C – Draft Resolution for DP-2018-07, and emails to Council.

Housing Manager Piu Ghosh gave a presentation.

Councilmembers asked questions and made comments.

Mayor Paul opened the public hearing and the following people spoke.

Jennifer Furlong, on behalf of the Cupertino Historical Society, requested salvaging the foothill sign to add to the Society's collection.

Jennifer Griffin supported the project including the housing options and retail component.

City Clerk Kirsten Squarcia read emails on behalf of the following people.

- Candice and Brandon Smith, supporting approval of the proposed development.
- Andrew Wang, supporting replacing the proposed Nandina and Lantana plant species with California native plant species alternatives.

Mayor Paul closed the public hearing.

Councilmembers asked questions and made comments.

City Clerk Kirsten Squarcia read the title of Ordinance No. 22-2236: "An Ordinance of the City Council of the City of Cupertino approving the Rezoning of two parcels from Planned Development with General Commercial Uses (P(CG)) to Planned Development with General Commercial and Residential Uses (P(CG, Res))" (Z-2018-02).

Chao moved and Paul seconded as amended to:

- A. Adopt Resolution No. 22-001, adopting the Mitigated Negative Declaration and associated mitigations as conditions of approval (EA-2018-06);
- B. Introduce and Conduct the first reading of Ordinance No. 22-2236 as amended: "An Ordinance of the City Council of the City of Cupertino approving the Rezoning of two parcels from Planned Development with General Commercial Uses (P(CG)) to Planned Development with General Commercial and Residential Uses (P(CG, Res))" (Z-2018-02);
- C. Adopt Resolution No. 22-002 as amended approving the Development Permit (DP-2018-07);

- D. Adopt Resolution No. 22-003 approving the Architectural and Site Approval Permit (ASA-2018-09);
- E. Adopt Resolution No. 22-004 approving the Conditional Use Permit (U-2018-04);
- F. Adopt Resolution No. 22-005 approving the Tree Removal Permit (TR-2018-39); and
- G. Adopt Resolution No. 22-006 approving the Tentative Map Permit (TM-2018-04);
- H. Amend the conditions of approval to add staff authority to negotiate the landscaping choices for climate appropriate and/or native plants;
- I. Amend the conditions of approval to require concurrent construction of residential and commercial building.

Vice Mayor Chao made a substitute motion to continue the item for the applicant to consider a potential General Plan Amendment, so that the project complies with the amended General Plan. There was no second and the substitute motion died. The main motion carried unanimously. Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

2. Subject: Consider a development proposal to demolish an existing commercial building and construct a new nine (9) unit single-family home development including one (1) home containing an Accessory Dwelling Unit (ADU). (Application No(s): EA-2020-001, Z-2020-001, DP-2020-001, TM-2020-001, ASA-2020-003, and U-2020-001; Applicant(s): Alan Enterprise LLC; Location: 22690 Stevens Creek Boulevard; APN#s 341-14-066, 342-14-104 & 105)

Recommended Action: The Planning Commission recommends that the City Council:

1. Adopt Resolution No. 22-007 adopting the Mitigated Negative Declaration (EA-2020-001) (Attachment A);
2. Introduce and conduct the first reading of Ordinance No. 22-2237, "An Ordinance of the City Council of the City of Cupertino approving the Rezoning of three parcels from Planned Development Zoning with General Commercial uses (P(CG)) to Planned Development Zoning with General Commercial and Residential uses (P(CG, Res))" (Z-2020-001) (Attachment B);
3. Adopt Resolution No. 22-008 approving the Development Permit (DP-2020-001) (Attachment C);
4. Adopt Resolution No. 22-009 approving the Architectural and Site Approval (ASA-2020-003) (Attachment D);
5. Adopt Resolution No. 22-010 approving the Use Permit (U-2020-001) (Attachment E); and
6. Adopt Resolution No. 22-011 approving the Tentative Map (TM-2020-001) (Attachment F).

Written Communications for this item included a staff presentation, Amended Attachment C – Draft Resolution for DP-2020-001, and emails to Council.

Housing Manager Piu Ghosh gave a presentation.

Mayor Paul opened the public hearing and the following people spoke.

Jennifer Furlong, on behalf of the Cupertino Historical Society, requested salvaging the mini mart liquor store sign to add to the Society's collection.

Jean Bedord supported approval of the development project.

City Clerk Kirsten Squarcia read an email on behalf of the following people.

- Andrew Wang supporting replacing the proposed Nandina, Lantana, and Pyrus plant species with California native plant species alternatives.

Mayor Paul closed the public hearing.

Councilmembers asked questions and made comments.

Paul moved and Moore seconded the staff recommendation as amended to:

1. Adopt Resolution No. 22-007 adopting the Mitigated Negative Declaration (EA-2020-001);
2. Introduce and conduct the first reading of Ordinance No. 22-2237: "An Ordinance of the City Council of the City of Cupertino approving the Rezoning of three parcels from Planned Development Zoning with General Commercial uses (P(CG)) to Planned Development Zoning with General Commercial and Residential uses (P(CG, Res))" (Z- 2020-001);
3. Adopt Resolution No. 22-008 as amended approving the Development Permit (DP-2020-001);
4. Adopt Resolution No. 22-009 approving the Architectural and Site Approval (ASA- 2020-003);
5. Adopt Resolution No. 22-010 approving the Use Permit (U-2020-001);
6. Adopt Resolution No. 22-011 approving the Tentative Map (TM-2020-001);
7. Amend the conditions of approval to increase the BMR fee to be deposited into the City's BMR fund by the amount of economic value of 0.35 of a moderate BMR unit provided by the applicant, less the impact fee calculated under BMR program manual;
8. Direct staff to take Council's direction related to addressing visual clutter in private open space areas and work with the applicant to ensure that the aesthetic integrity of the project is preserved with respect to deck railing materials and finishes; and

9. Amend the conditions of approval to add staff authority to negotiate the landscaping choices for climate appropriate and/or native plants.

The motion carried unanimously. Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

Vice Mayor Chao commented that she believes the project does not completely align with the General Plan or past practices of Cupertino and that the City Council is allowing it only to comply with the Housing Accountability Act. She believes that the General Plan required ground floor commercial at this site.

Councilmember Moore commented that she believes the General Plan allows residential development at the project site only on the upper floors.

## ADJOURNMENT

At 10:06 p.m., Mayor Paul adjourned the Regular City Council Meeting.



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Kirsten Squarcia City Clerk