



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue
Tuesday, March 3, 2020
5:30 PM

Amended Special Meeting Non-Televised Closed Session (5:30) and Televised Regular Meeting (6:45)

Amended on 2/27/20 to update Item No. 12 Staff Report and to add Item No. 13 Staff Report and Attachments: A. General Plan Annual Report, B. Planning Commission suggestions on General Plan Amendments, and C. Other miscellaneous comments.

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 Tuesday, March 03, 2020, commencing at 5:30 p.m. in City Hall Conference Room A, 10300 Torre Avenue, Cupertino, California 95014. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting." The regular meeting items will be heard at 6:45 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California.

SPECIAL MEETING

ROLL CALL - 5:30 PM

10300 Torre Avenue, City Hall Conference Room A

CLOSED SESSION

1. Subject: Public Employee Performance Evaluation (Gov't Code Section 54957). Title: City Attorney.
2. Subject: Conference with Labor Negotiators (Gov't Code section 54957.6). Agency designated representatives: Mayor Steven Scharf and Vice Mayor Darcy Paul. Unrepresented employee: City Attorney.

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

10350 Torre Avenue, Community Hall Council Chamber

ROLL CALL**CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Recognition of Fine Arts Commission Young Artists Award winners.
Recommended Action: Present awards to Fine Arts Commission Young Artist Award winners.
2. Subject: Proclamation to Santa Clara County Librarian Nancy Howe upon her retirement and recognizing her dedicated service to the community.
Recommended Action: Present proclamation to Santa Clara County Librarian Nancy Howe upon her retirement and recognizing her dedicated service to the community.
3. Subject: Proclamation recognizing March as "Red Cross Month."
Recommended Action: Present proclamation recognizing March as "Red Cross Month."
4. Subject: Proclamation to Carl Valdez for being awarded Superintendent of the Year by the Maintenance Superintendents Association (MSA) of the San Francisco Bay Area.
Recommended Action: Present proclamation to Carl Valdez for being awarded Superintendent of the Year by the Maintenance Superintendents Association (MSA) of the San Francisco Bay Area.

POSTPONEMENTS**ORAL COMMUNICATIONS**

This portion of the meeting is reserved for persons wishing to address the Council on any matter within the jurisdiction of the Council and not on the agenda. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (3) minutes. As necessary, the Chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first come first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter not listed on the agenda.

REPORTS BY COUNCIL AND STAFF (10 minutes)

5. Subject: Report on Committee assignments
Recommended Action: Report on Committee assignments

CONSENT CALENDAR

Unless there are separate discussions and/or actions requested by council, staff or a member of the public, it is requested that items under the Consent Calendar be acted on simultaneously.

6. Subject: Approve the February 10 City Council minutes
Recommended Action: Approve the February 10 City Council minutes
[A - Draft Minutes](#)

7. Subject: Approve the February 18 City Council minutes
Recommended Action: Approve the February 18 City Council minutes
[A - Draft Minutes](#)

8. Subject: Treasurer's Investment Report for period ending December 31, 2019
Recommended Action: Accept staff report and provide recommendations.
[Staff Report](#)
[A - Treasurer's Report 12.31.19](#)
[B - Wells Fargo Custodial Report 12.31.19](#)
[C - LAIF Statement 12.31.19](#)

9. Subject: Application for Alcohol Beverage License for Pizza My Heart, Inc (dba Pizza My Heart), 19409 Stevens Creek Boulevard, Suite 140
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Pizza My Heart, Inc (dba Pizza My Heart), 19409 Stevens Creek Boulevard, Suite 140
[Staff Report](#)
[A - Application](#)

SECOND READING OF ORDINANCES

10. Subject: Second reading for Municipal Code Amendments to Chapter 19.112 - Accessory Dwelling Units; Chapter 19.20 - Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones; and Chapter 19.08 - Definitions; for Clarifications, and Consistency with recently adopted State Bills (Application No. MCA-2018-04; Applicant: City of Cupertino; Location: City-wide).
Recommended Action: Conduct the second reading and enact Ordinance No. 20-2199: "An Ordinance of the City Council of the City of Cupertino amending Chapter 19.112, Accessory Dwelling Units; Chapter 19.20 - Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones; and Chapter 19.08 Definitions."
[Staff Report](#)
[A - Draft Ordinance No. 20-2199](#)
[B - Redlines indicating amendments since first reading](#)

PUBLIC HEARINGS

11. Subject: Consider approving a new 155-room seven-story hotel (24-hour operations) with underground parking, event meeting rooms, a ground floor restaurant with separate bar, and a rooftop lounge with separate bar by demolishing a commercial building with an area of 8,323 sq. ft. City Actions would include General Plan Amendments to consider amending Table LU-1 by increasing the development allocation of hotel rooms to 155 hotel rooms in the Homestead Special Area and Figure LU-2 and Policy LU-23.2 adding Figure LU-5 to allow increased heights and reduced building plane within the North De Anza Gateway specific to this development. City permits would include: Development, Architectural and Site Approval, and Use Permits. A Development Agreement is also proposed; (Application No(s): GPA-2018-01, DP-2018-01, ASA-2018-02, DA-2018-01, U-2018-02, EA-2018-03; Applicant(s): Sherly Kwok (De Anza Properties); Location: 10931 N De Anza Blvd.; APN #326-10-061 (Continued from January 21, 2020)

Recommended Action: Conduct the public hearing and find:

That the City Council conduct a public hearing, consider the Planning Commission's recommendation, and:

1. Adopt Resolution No. 20-005 adopting a Mitigated Negative Declaration, mitigation measures, and a Mitigation Monitoring and Reporting Program (Attachment A).
2. Adopt Resolution No. 20-006 approving a General Plan Amendment (Attachment B).
3. Adopt Resolution No. 20-007 approving a Development Permit (Attachment C).
4. Adopt Resolution No. 20-008 approving an Architectural and Site Approval Permit (Attachment D).
5. Adopt Resolution No. 20-009 approving a Use Permit (Attachment E).

Introduce and waive the first reading of Ordinance No. 20-2195: "An Ordinance of the City Council of the City of Cupertino Approving a Development Agreement for the Development of a New 7-Story, 155 Room Hotel With Associated Site and Landscaping Improvements Located at 10931 N. De Anza Blvd. (APN #326-10-061)" (Attachment F).

[Staff Report](#)[A - Draft Resolution EA-2018-03 – Mitigated Negative Declaration, mitigation measures, and a Mitigation Monitoring and Reporting Program](#)[B - Draft Resolution GPA-2018-01 – General Plan Amendment](#)[C - Draft Resolution DP-2018-01 – Development Permit](#)[D - Draft Resolution ASA-2018-02 – Architectural and Site Approval Permit](#)[E - Draft Resolution U-2018-02 – Use Permit](#)[F - Draft Ordinance DA-2018-01 – Development Agreement between the City and Northwest Properties LP](#)[G - Fiscal Analysis of the De Anza Hotel GPA Application](#)[H – Parking Generation Analysis for the Proposed Hotel Located at 10931 N. De Anza Boulevard in Cupertino, CA, dated June 19, 2019](#)[I - Initial Study/Mitigated Negative Declaration, ERC Recommendation dated August 1](#)[J - Public Comment](#)[K – Initial Study /Mitigated Negative Declaration Responses to Comments Memo dated December 5, 2019](#)[L - Initial Study /Mitigated Negative Declaration Responses to Comments Memo for City Council dated February 20, 2020](#)[M – Project Plans](#)**ORDINANCES AND ACTION ITEMS**

12. Subject: Approve the Mid-Year Financial Report and budget adjustments for Fiscal Year 2019-20.

Recommended Action: 1. Accept the City Manager’s Mid-Year Financial Report for FY 2019-20.

2. Approve Budget Modification 1920-076 for Mid-Year adjustments as described in the Mid-Year Financial Report.

3. Adopt Resolution No. 20-026 approving Mid-Year budget adjustments.

[Staff Report](#)

[A - Draft Resolution](#)

[B - Mid-Year Financial Report](#)

[C - Performance Measures](#)

[D - Mid-Year Budget Adjustment](#)

13. Subject: General Plan Annual Report, and suggestions to further clarify General Plan Policies and Strategies

Recommended Action: That the City Council:

1. Receive the General Plan Annual Review Report (Attachment A).

2. Authorize the City Manager to incorporate the list of General Plan amendment suggestions made by individual Planning Commissioners (Attachment B) into the previous list of suggested General Plan amendments with the General Plan and Objective Standards 2019/2020 Work Program Item.

[Staff Report](#)

[A - General Plan Annual Report](#)

[B - GPA suggested by individual commissioners](#)

[C - Other miscellaneous suggestions](#)

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

ADJOURNMENT

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 the next City Council 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, 48 hours in advance of the Council meeting to arrange for assistance. Upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format. Also upon request, in advance, an assistive listening device can be made available for use during the meeting.

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, during normal business hours and in Council packet archives linked from the agenda/minutes page on the Cupertino web site.

IMPORTANT NOTICE: *Please be advised that pursuant to Cupertino Municipal Code 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City 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's website and kept in packet archives. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City.*

Members of the public are entitled to address the City Council concerning any item that is described in the notice or agenda for this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in front of the Council, and deliver it to the Clerk prior to discussion of the item. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item not on the agenda, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.