

RESOLUTION NO. _____

A RESOLUTION OF THE CUPERTINO CITY COUNCIL
APPROVING A GENERAL PLAN AMENDMENT TO INCREASE
DEVELOPMENT ALLOCATIONS IN THE HOMESTEAD SPECIAL AREA
AND TO ALLOW INCREASED HEIGHTS AND REDUCED BUILDING
PLANE WITHIN THE NORTH DE ANZA GATEWAY SPECIFIC TO THIS
DEVELOPMENT IN FIGURE LU-1

SECTION I: PROJECT DESCRIPTION

Application No: GPA-2018-01
Applicant: Sherly Kwok (De Anza Properties)
Property Owner: Northwest Properties, LP
Location: 10931 N De Anza Blvd. (APN #326-10-061)

SECTION II: RECITALS

WHEREAS, upon review of a General Plan Amendment Authorization Application (GPAAAuth-2018-01), the City Council of the City of Cupertino authorized the applicant to submit an application for a General Plan Amendment and authorized staff to review the proposed General Plan Amendments on January 15, 2019;

WHEREAS, the City of Cupertino received the application for a General Plan Amendment as described in Section I. of this resolution; and

WHEREAS, the Citywide Development Allocation Between 2014-2040 (Table LU-1) of the Cupertino General Plan has insufficient hotel room allocation to accommodate a 155-room hotel; and

WHEREAS, Figure LU-2: Community Form Diagram of the Cupertino General Plan is revised to provide the necessary height and building plane standards for this hotel development; and

WHEREAS, the General Plan Amendment to Development Allocations, building plane, and height is fully described and analyzed in the July 2, 2019 Public Draft Initial Study ("Draft IS/MND") for The De Anza Hotel Project ("Project"); and

WHEREAS, the City of Cupertino's Environmental Review Committee at its August 1, 2019 meeting reviewed the Draft IS/MND, received public comments, and voted 5-0 to recommend that the City Council adopt of a Mitigated Negative Declaration ("MND"); and

WHEREAS, based on substantial evidence in the administrative record, on December 10, 2019, the Planning Commission recommended on a 4-0 vote (Saxena Absent), that the City Council adopt the MND (EA-2018-03) for the Project, adopt and incorporate into the Project and implement as conditions of approval all of the mitigation measures for the Project within the responsibility and jurisdiction of the City that are identified in the Final IS/MND, and adopt the Mitigation Monitoring and Reporting Program for the Project prior to taking final action on the Project; and

WHEREAS, on December 10, 2019 the Planning Commission recommended on a 4-0-1 (Saxena absent) vote that the City Council approve the General Plan Amendment (GPA-2018-01), in substantially similar form to the Resolution presented (Resolution No. 6890), approve the Development Permit (DP-2018-01) in substantially similar form to the Resolution presented (Resolution No. 6892), approve the Architectural and Site Approval Permit (ASA-2018-02) in substantially similar form to the Resolution presented (Resolution No. 6893), approve the Use Permit (U-2018-02) in substantially similar form to the Resolution presented (Resolution No. 6894), approve and adopt an ordinance to approve a Development Agreement (DA-2018-01) in substantially similar form to the Ordinance presented (Resolution No. 6895); and

WHEREAS, all necessary public notices having been given as required by the procedural ordinances of the City of Cupertino and the Government Code, on January 21, 2020, the City Council held a public hearing to consider the General Plan Amendment; and

WHEREAS, the City Council of the City of Cupertino is the decision-making body for this Resolution;

WHEREAS, after consideration of substantial evidence contained in the entire administrative record, at the public hearing on January 21, 2020 the City Council adopted Resolution No. [####] adopting the MND;

WHEREAS, the applicant has met the burden of proof required to support application for a General Plan Amendment.

SECTION III: RESOLUTIONS

NOW, THEREFORE, BE IT RESOLVED:

After careful consideration of the, maps, facts, exhibits, testimony and other evidence submitted in this matter, the City Council hereby adopts amendments to the General Plan (Application No. GPA-2018-01) as shown in Exhibit GPA-1 and authorizes the staff to make grammatical, typographical, numbering, and formatting changes necessary to assist in production of the final published General Plan

NOW, THEREFORE, BE IT FURTHER RESOLVED:

The foregoing recitals are true and correct and are included herein by reference as findings.

NOW, THEREFORE, BE IT FURTHER RESOLVED:

The City Council finds this Resolution is within the scope of the Draft IS/MND and directs the Director of Community Development to file a Notice of Determination with the Santa Clara County Recorder in accordance with CEQA guidelines.

SECTION IV: This Resolution shall take effect on the day that the Ordinance approving the Development Agreement for the Project takes effect.

PASSED AND ADOPTED this 21st day of January 2020, at a Regular Meeting of the City Council of the City of Cupertino, State of California, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	 _____ Date
ATTEST: _____ Kirsten Squarcia, Acting City Clerk	 _____ Date

Amend Chapter 3, Page LU-13 related to Homestead Special Area as follows:

Table LU-1: Citywide Development Allocation Between 2014-2040

	Commercial (s.f.)			Office (s.f.)			Hotel (rooms)			Residential (units)		
	Current Built (Oct. 7, 2014)	Buildout	Available	Current Built (Oct. 7, 2014)	Buildout	Available	Current Built (Oct. 7, 2014)	Buildout	Available	Current Built (Oct. 7, 2014)	Buildout	Available
<i>(No change to Heart of the City and Vallco Shopping District)</i>												
Homestead	291,408	291,408	-	69,550	69,550	-	126	426 281	155	600	750	150
<i>(No change to N. De Anza Blvd., N. Vallco, S. De Anza, Bubb, Monta Vista Village, Other or Major Employers)</i>												
Citywide Totals	3,632,065	4,430,982	798,917	8,916,179	9,470,005	553,826	1,116	4,614 1,769	498 653	21,412	23,294	1,882

*No changes to footnotes***Amend Chapter 3, Pages LU-16 and 17 as follows:**

Figure LU-2: Community Form Diagram

North De Anza Gateway**Maximum Residential Density**

35 units per acre

Maximum Height

45 feet

Hotel Development for APN 326-10-061:Maximum Height 85 feet**Building Planes:**

- Maintain the primary building bulk below a 1:1 slope line drawn from the arterial/boulevard curb line or lines except for the Crossroads Area.
- For the Crossroads area, see the Crossroads Streetscape Plan.
- For projects outside of the Vallco Shopping District Special Area that are adjacent to residential areas: Heights and setbacks adjacent to residential areas will be determined during project review.
- For projects within the Vallco Shopping District Special Area that are adjacent to the North Blaney/Portal neighborhood: Maintain the primary building bulk below a 2:1 slope line drawn from the adjacent residential property line.
- For the North and South Vallco Park areas: Maintain the primary building bulk below a 1.5:1 (i.e., 1.5 feet of setback for every 1 foot of building height) slope line drawn from the Stevens Creek Blvd. and Homestead Road curb lines and below 1:1 slope line drawn from Wolfe Road and Tantau Avenue curb line.
- Parcel APN 326-10-061 within the N. De Anza Gateway: For hotel development, maintain the building below the variable slope line approved with CC Resolution No. 20-XXX