



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, April 7, 2020**

SPECIAL CITY COUNCIL MEETING

At 5:31 p.m. Mayor Steven Scharf called the Special City Council meeting to order. This was a teleconference meeting with no physical location.

ROLL CALL

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

Planning Commissioners Present: Chair Kitty Moore, Vice Chair R Wang, Commissioner David Fung, Commissioner Vikram Saxena, Commissioner Alan Takahashi. All Planning Commission members teleconferenced for the meeting.

STUDY SESSION

1. Subject: Joint study session with the City Council and Planning Commission on state housing law: Housing Accountability Act, SB 330, and Density Bonus Law. Recommended Action: Conduct the joint study session with the City Council and Planning Commission on state housing law: Housing Accountability Act, SB 330, and Density Bonus Law; provide any input to staff.

Written communications for this item included a presentation.

Shute, Mihaly, and Weinberger Attorneys Winter King and Caitlin Brown gave a presentation.

Ms. King introduced City of San Francisco Principal Planner Kate Conner and Senior Planner Carly Grove who were available for questions.

Mayor Scharf opened public comment and the following people spoke.

Jennifer Griffin, talked about public confusion over state housing laws and the density bonus law text, problems with State control, and these laws incentivizing developers.

Peggy Griffin asked about City allowances to move buildings for a project.

Mayor Scharf closed public comment.

Council and Planning Commissioners asked questions and made comments.

Conducted the joint study session with the City Council and Planning Commission on state housing law: Housing Accountability Act, SB 330, and Density Bonus Law; and under Future Agenda Items, the City Council agreed to schedule another study session on Density Bonus Law.

ADJOURNMENT

REGULAR CITY COUNCIL MEETING

At 6:48 p.m. Mayor Steven Scharf called the Regular City Council meeting to order. This was a teleconference meeting with no physical location.

ROLL CALL

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

CEREMONIAL MATTERS AND PRESENTATIONS – None

POSTPONEMENTS

Mayor Scharf requested postponement of Item No. 10 Emergency Assistance Funds for Tenants at Risk of Eviction due to Impacts of the Novel Coronavirus (COVID-19).

Council consented to postpone this item to the April 21 City Council meeting.

ORAL COMMUNICATIONS

Housing Commissioner Connie Cunningham (representing herself), was disappointed that the renter's assistance item was postponed and encouraged emergency assistance donations for

West Valley Community Services (WVCS).

Jennifer Griffin, was concerned about the development of San Jose's El Paseo urban village and the effects on public participation due to cancelled community meetings during the pandemic.

REPORTS BY COUNCIL AND STAFF (10 minutes)

1. Subject: City Manager update on COVID-19 response efforts
Recommended Action: Receive City Manager update on COVID-19 response efforts

Mayor Scharf opened public comment and the following people spoke.

City Clerk Kirsten Squarcia read an email on behalf of Viji, requesting a budgetary report of the financial impacts of COVID-19 for the current fiscal year and next fiscal year.

Mayor Scharf closed public comment.

Council received the City Manager update on COVID-19 response efforts and a status on the rental assistance item which was postponed to April 21.

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

There were no reports on committee assignments.

CONSENT CALENDAR

Paul moved and Sinks seconded to approve the items on the Consent Calendar as presented. Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

3. Subject: Approve the March 17 City Council minutes
Recommended Action: Approve the March 17 City Council minutes
4. Subject: Approve the March 24 City Council minutes
Recommended Action: Approve the March 24 City Council minutes
5. Subject: Arbor Day Proclamation
Recommended Action: Authorize the Mayor to proclaim April 18, 2020 as Arbor Day for 2020

6. Subject: Approve the addendum to the Memorandum of Understanding between the City of Cupertino and the Cupertino Employees Association (CEA), for the period of July 16, 2019 to June 30, 2022.
Recommended Action: Adopt Resolution No. 20-032 to approve the addendum providing standby compensation for certain classifications in the CEA bargaining unit.
7. Subject: Fiscal year 2020-21 projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by Senate Bill 1(SB 1).
Recommended Action: Adopt Resolution No. 20-033 listing fiscal year 2020-21 projects proposed to receive RMRA funding, created by Senate Bill 1(SB 1), and reaffirm commitment to fund previously adopted projects with RMRA funding.
8. Subject: FY 2018-19 Comprehensive Annual Financial Report (CAFR) and related supplemental reports.
Recommended Action: Accept the FY 2018-19 Comprehensive Annual Financial Report (CAFR) and related supplemental reports.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS

9. Subject: Item 9: De Anza Hotel project hearing items:
 - 9A) Petition for Reconsideration regarding the City Council decision of March 3, 2020 to approve 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., General Plan Amendments to amend 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, Development, Architectural and Site Approval, and Use Permits ("Project"); Application No(s): GPA-2018-01, DP-2018-01, ASA-2018-02, DA-2018-01, U-2018-02, EA-2018-03; Applicant(s): John Vidovich (De Anza Properties); Location: 10931 N De Anza Blvd.; APN #326-10-061.; and
 - 9B) First reading of a Development Agreement for a new 155-room 7-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. (Application No: DA-2018-01; Applicant(s): John Vidovich (De Anza Properties); Location: 10931 N De Anza Blvd.; APN #326-10-061

Recommended Action: That the City Council conduct a public hearing, and:

1. Adopt Resolution No. 20-034 (Attachment AA) denying the petition, which does not meet the requirements of Cupertino Municipal Code (CMC) Section 2.08.096.
2. Introduce and conduct 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 and Associated Site and Landscaping Improvements Located at 10931 N. De Anza Blvd. (APN #326-10-061)"

9A) Petition for Reconsideration

Written communications for this item included a presentation.

Senior Planner Gian Martire gave a presentation.

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

Paige Fennie, on behalf of Laborers' International Union of North America, Local Union 270, said the project will have significant noise impacts during the various phases of construction and will exceed the noise ordinance, and requested an environmental impact report (EIR).

Mayor Scharf closed the public hearing.

City Clerk Kirsten Squarcia read a statement on behalf of John Vidovich: "The roof top amenity was considered and when compared to other amenities of a similar hotel it is much greater and was designed in conjunction with an agreement on the improvements and the \$500,000 was appropriate given the differences of the other hotel."

Councilmembers asked questions and made comments.

Placeworks Associate Principal and consultant Terri McCracken answered questions.

Scharf moved and Paul seconded to adopt Resolution No. 20-034 denying the petition, which does not meet the requirements of Cupertino Municipal Code (CMC) Section 2.08.096. The motion carried with Willey voting no.

City Clerk Kirsten Squarcia read the title 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 and Associated Site and Landscaping Improvements Located at 10931 N. De Anza Blvd. (APN #326-10-061)."

Scharf moved and Paul seconded to read Ordinance No. 20-2195 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Scharf, Paul, Chao, and Sinks. Noes: Willey. Abstain: None. Absent: None. Recuse: None.

ORDINANCES AND ACTION ITEMS

10. Subject: Emergency Assistance Funds for Tenants at Risk of Eviction due to Impacts of the Novel Coronavirus (COVID-19) continued
Recommended Action: 1. Adopt Resolution No. 20-035 contributing \$50,000 in emergency assistance funds [Below Market Rate (BMR) Affordable Housing Funds (AHF) or General Fund Human Services Grant (HSG) funds] to West Valley Community Services (WVCS) for tenants at risk of eviction due to impacts of COVID-19.
2. Authorize the City Manager to negotiate and execute a \$50,000 contribution to WVCS.

Under Postponements, this item was postponed to April 21.

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Council added the following future agenda items:

- Another study session on Density Bonus Law (Chao/Scharf).
- Examine San Jose's 3-month rent waiver proposal in conjunction with Federal relief funds for landlords and include with the rental assistance item on April 21 (Paul/Scharf).

Mayor Scharf called for a Legislative Review Committee (LRC) meeting to respond to the recent League of Cities housing proposal.

ADJOURNMENT

At 8:23 p.m., Mayor Scharf adjourned the meeting.

Kirsten Squarcia, City Clerk