



COMMUNITY DEVELOPMENT DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: April 16, 2024

Subject

Second reading of amendments to a Development Agreement for the Cupertino Village Boutique Hotel Project from five to eight years and associated environmental review. (Application No(s): DA-2023-002; Applicant(s): KIMCO (Sunil Plaha); Location: 10801 and 10805 N. Wolfe Rd.; APN: 316 45 017, 316 05 056)

Recommended Action

Conduct the second reading and enact Ordinance No. 24-2258: "An Ordinance of the City Council of the City of Cupertino to amend a Development Agreement for the Cupertino Village Boutique Hotel."

Discussion

During a regular City Council Meeting held on April 3, 2024, City Council conducted the first reading for Ordinance No. 24-2258. Staff presented details about the proposed extension of the Development Agreement for the Cupertino Village Hotel, as well as the proposed amendments which include:

- The term of the agreement of the agreement extended to the (8th) anniversary of the Effective Date (November 19, 2027).
- In the event the Developer submits for a Building Permit for the core and shell of the hotel within three years of the Effective Date of the 1st Amendment, the Term of the agreement is automatically extended for two additional years, for a total of five years, i.e., until November 19, 2029.
- If Certificate of Occupancy for the Project is issued within five years of the Effective Date of the First Amendment (April 16, 2029) Developer shall be relieved of its obligations to make further Community Amenity Funding payments.
- Any proposed revisions to the amount of parking and/or parking layout, are treated as an Administrative Project Amendment and not subject to an amendment to this agreement.
- Requirement that the project comply with the bird safe and dark sky ordinance, Cupertino Municipal Code Chapter 19.102: *Glass and Lighting Standards*.

If Council approves these changes today, the proposed ordinance will take effect after 30 days on May 16, 2024.

Prepared by: Gian Paolo Martire, Senior Planner

Reviewed by: Benjamin Fu, Director of Community Development

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Draft Ordinance No. 24-2258