



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Community Hall Council Chamber

Tuesday, June 21, 2016

6:45 PM

AMENDED

Amended on 6/16/16 to remove agenda Item No. 18a and to add agenda Item No. 12a.

Amended on 6/16/16 to add agenda Item No. 18a.

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Commendations to Monta Vista neighborhood residents, recognizing their community spirit and engagement, for providing landscaping services to a disadvantaged homeowner.
Recommended Action: Present commendations

POSTPONEMENTS

2. Subject: Agenda Item No. 17 Brush abatement for public nuisance and potential fire hazard
Recommended Action: Remove the item from the agenda since any parcels on the list have complied

ORAL COMMUNICATIONS

This portion of the meeting is reserved for persons wishing to address the council on any matter not on the agenda. Speakers are limited to three (3) minutes. In most cases, State law will prohibit the council from making any decisions with respect to a matter not listed on the agenda.

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.

3. Subject: Approve the June 6 City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)
4. Subject: Accept the Final Report of the Classification Study, dated May 23, 2016
Recommended Action: 1. Accept the Report, approve title changes, re-classifications, new classifications and deleted classification effective July 1, 2016.
2. Adopt Resolution 16-064 Amending the Unrepresented Employees' Compensation Program and salary schedule.
3. Approve budget adjustments to the FY 2016-17 Final Budget as described in the fiscal impact section of this report.
[Staff Report](#)
[A - Draft Resolution](#)
[B - Final Classification Report](#)
[C - Green Lined Amended Unrepresented Employees' Compensation Prog](#)
[D - New Class Descriptions](#)
5. Subject: Appointment of City of Cupertino representative to the Santa Clara County Valley Transportation Authority (VTA) Bicycle & Pedestrian Advisory Committee (BPAC)
Recommended Action: Accept the Bicycle Pedestrian Commission (BPC) recommendation to appoint Gary Jones to the VTA BPAC for a two-year term beginning July 1, 2016
[Staff Report](#)
6. Subject: Governor's By Right Housing Proposal
Recommended Action: Oppose the Governor's By-Right Housing proposal and authorize the Mayor to send letters of opposition to state legislative leaders along with our state delegation
[Staff Report](#)
[A - Sample Mayor Letter of Opposition](#)
[B - "By Right" Housing proposal summary](#)
7. Subject: Approve the First Amendment to the lease agreement with Friends of Stevens Creek Trail for the period extending through June 30, 2017
Recommended Action: Authorize City Manager to amend the lease agreement with Friends of Stevens Creek Trail at McClellan Ranch preserve for the period extending through June 30, 2017

[Staff Report](#)

[A - Draft Agreement First Amendment](#)

[B - Agreement](#)

8. Subject: Approve the First Amendment to the Lease Agreement with Santa Clara Valley Audubon Society for the period extending through June 30, 2017

Recommended Action: Authorize City Manager to amend the lease agreement with Santa Clara Valley Audubon Society at McClellan Ranch Preserve for the period extending through June 30, 2017

[Staff Report](#)

[A - Draft Agreement First Amendment](#)

[B - Agreement](#)

9. Subject: Application for Alcoholic Beverage License for Lans Garden Restaurant, 19634 Stevens Creek Boulevard

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the Application for Alcoholic Beverage License for Lans Garden Restaurant, 19634 Stevens Creek Boulevard

[Staff Report](#)

[A - Application](#)

10. Subject: Application for Alcoholic Beverage License for Sizzling Gourmet, Inc., 19541 Richwood Drive

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the Application for Alcoholic Beverage License for Sizzling Gourmet, Inc., 19541 Richwood Drive

[Staff Report](#)

[A - Application](#)

11. Subject: Application for Alcoholic Beverage License for WAC Kitchen, LLC (dba The Yard), 10235 S. De Anza Boulevard

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the Application for Alcoholic Beverage License for WAC Kitchen, LLC (dba The Yard), 10235 S. De Anza Boulevard

[Staff Report](#)

[A - Application](#)

12. Subject: Application for Alcoholic Beverage License for CDUBB Restaurant Ventures, LLC (dba Coconut Fish Cafe), 20010 Stevens Creek Boulevard

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the Application for Alcoholic Beverage License for CDUBB Restaurant Ventures, LLC (dba Coconut Fish Cafe), 20010 Stevens Creek Boulevard

[Staff Report](#)

[A - Application](#)

- 12a.** Subject: Cancel the Special Meeting of July 6, and consider all items related to the Vallco Town Center Specific Plan Initiative, including the Elections Code Section 9212 report and whether to place the Initiative on the ballot, at the July 5, 2016 Meeting.

Recommended Action: Cancel the Special Meeting of July 6, and consider all items related to the Vallco Town Center Specific Plan Initiative, including the Elections Code Section 9212 report and whether to place the Initiative on the ballot, at the July 5, 2016 Meeting.

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

- 13.** Subject: Development Permit to allow the demolition of a 342 unit apartment complex (The Hamptons) and the construction of a 942 unit apartment complex in a Planned Residential Zoning District, Environmental Analysis proposing adoption of a Mitigated Negative Declaration, Architectural and Site approval for the demolition of a 342 unit apartment complex (The Hamptons) and the construction of a new 942 unit apartment development on the same site with associated site and landscaping improvements, Use Permit to allow a bicycle hub and a separate bar facility within a club house located in a 942 unit apartment development, Tree Removal Permit to allow the removal and replacement of 277 trees in conjunction with the construction of a new apartment development, and Development Agreement for a new 942 apartment unit development in a Planned Residential Zoning District. Application No(s): DP-2015-04, EA-2015-03, ASA-2015-13, U-2015-05, TR-2015-21, DA-2015-01; Applicant(s): Carlene Matchniff (The Irvine Company/IAC at Cupertino LLC); Location: 19500 Pruneridge Avenue APN# 316-06-032, 316-06-037

Recommended Action: The Planning Commission recommends that the City Council

A) Adopt Resolution No. 16-065 approving Development Permit DP-2015-04 and adopting a Mitigated Negative Declaration EA-2015-03; and

B) Adopt Resolution No. 16-066 approving Architectural and Site Approval ASA-2015-13; and

C) Adopt Resolution No. 16-067 approving Use Permit U-2015-05; and

D) Adopt Resolution No. 16-068 approving Tree Removal Permit TR-2015-21; and

E) Conduct the first reading of Ordinance No. 16-2144: "An Ordinance of the Cupertino City Council approving a Development Agreement by and between the City of Cupertino and IAC at Cupertino LLC for the Hamptons project located at 19500 Pruneridge Avenue"

[Staff Report](#)

[CC-1 DP-2015-04 Draft Resolution](#)

[CC-2 ASA-2015-13 Draft Resolution](#)

[CC-3 U-2015-05 Draft Resolution](#)

[CC-4 TR-2015-21 Draft Resolution](#)

[CC-5 ORD DA-2015-01 Draft Ordinance](#)

[CC-5A Hamptons DA CCSR 21 Draft Agreement](#)

[CC-6 PC minutes & staff report](#)

[CC-7 PC resolutions](#)

[CC 8 ERC](#)

[CC-9 Parking demand](#)

[CC-10 Arch review](#)

[CC-11 Comments](#)

[CC-12-a MND_Cover](#)

[CC_12-b TOC](#)

[CC-12-c_MND Intro](#)

[CC-12-d MND Checklist](#)

[CC-12-e MND ProjectDescription](#)

[CC-12-f GP EIR ConsistencyAnalysis](#)

[CC-12-g EnvironmentalAnalysis](#)

[CC-12-h MMRP](#)

[CC-12-i OrgPersonsConsulted](#)

[CC-13 Response ISMND comments](#)

[CC-14 Project plans cover letter](#)

[CC-14a Project plans link](#)

14. Subject: Petition for Reconsideration of the April 19, 2016 City Council decision to deny appeals of a Planning Commission decision to deny an appeal of a Director's approval of a Two-Story Permit (R-2015-08) to allow the construction of a new 5,140-square-foot single-family residence and a Minor Residential

Permit (RM-2015-08) to allow a second story balcony on the new residence. (Application No. R-2015-08 and RM-2015-08; Applicant: WEC & Assoc. (Kingkay Capital, LLC); Petitioner(s): Jan Kucera Jr., and Matthew R. and Angela M.D. Miller; Location: 21900 Oakview Lane; APN: 326-19-105). Council adopted Resolution No. 16-040, Denying the Appeal and upholding the Planning Commission's decision per Planning Commission Resolution No. 6798 and 6799 (Paul abstaining)

Recommended Action: 1. Adopt Resolution No. 16-069 denying the petition, which does not meet the requirements of Cupertino Municipal Code (CMC) Section 2.08.09

[Staff Report](#)

[A - Draft Resolution](#)

[B - Two-Story and Minor Residential Permits Action Letter](#)

[C - Planning Commission Staff Report](#)

[D - Planning Commission Meeting Minutes](#)

[E - Planning Commission Resolutions No. 6798 and 6799](#)

[F - City Council Staff Report](#)

[G - City Council Meeting Minutes](#)

[H - City Council Action Letter and Resolution No. 16-040](#)

[I - Petition for Reconsideration Miller](#)

[J - Petition for Reconsideration Kucera](#)

[K - Plan Set](#)

[L - Flowchart for Agenda Items](#)

ORDINANCES AND ACTION ITEMS

15. Subject: Receive the Joint Cities Coordinated Stevens Creek Trail Feasibility Study, the recommendation from the Joint Cities Working Team and Commission input

Recommended Action: Accept the Joint Cities Coordinated Stevens Creek Trail Feasibility Study; review the Joint Cities Working Team recommendations and Commission input; and provide direction regarding the recommendations and any desired actions

[Staff Report](#)

[A - Joint Cities Coord Stevens Creek Trail Feas Study](#)

[B - Stevens Creek Trail Process Map](#)

[C - CWG Recommendations to JCWT](#)

[D - JCWT Recommendations to Councils](#)

[E - Joint Cupertino PRC-BPC Meeting Minutes 15.12.15](#)

[F - Los Altos Resolution No. 2015-39](#)

[G - Sunnyvale City Council Minutes, Excerpt, 16.02.09](#)

16. Subject: Adoption of 2016 Cupertino Bicycle Transportation Plan and Mitigated

Negative Declaration for the 2016 Cupertino Bicycle Transportation Plan

Recommended Action: a.) Approve a Mitigated Negative Declaration for the 2016 Cupertino Bicycle Transportation Plan; and

b.) Adopt Resolution No. 16-070 adopting the 2016 Cupertino Bicycle Transportation Plan

[Staff Report](#)

[A - Draft Resolution](#)

[B - 2016 Bicycle Transportation Plan](#)

17. Subject: Brush abatement for public nuisance and potential fire hazard

Recommended Action: Remove this item from the agenda since any parcels on the list have complied

[Staff Report](#)

REPORTS BY COUNCIL AND STAFF

18. Subject: Report on Committee assignments and general comments

Recommended Action: Report on Committee assignments and general comments

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/index.aspx?page=125> 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.

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.