

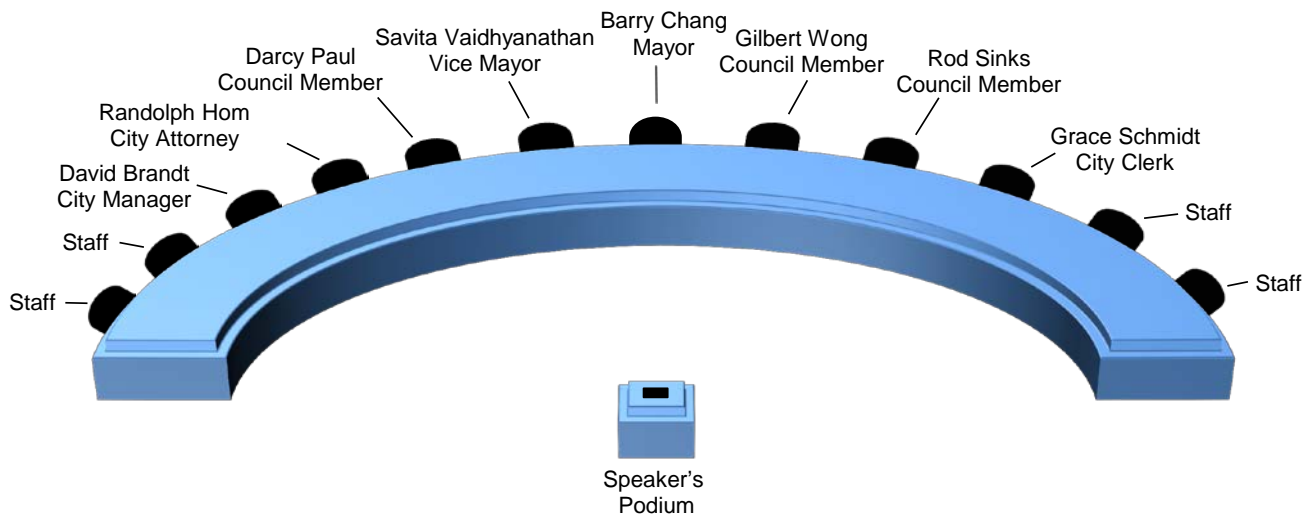


AMENDED

AGENDA OF THE CITY COUNCIL

Tuesday, June 21, 2016

Regular Meeting (6:45 pm)



COMMUNITY HALL COUNCIL CHAMBER

10350 TORRE AVENUE • CUPERTINO, CA 95014

TELEPHONE: (408) 777-3220 (CITY HALL)

WEBSITE: www.cupertino.org

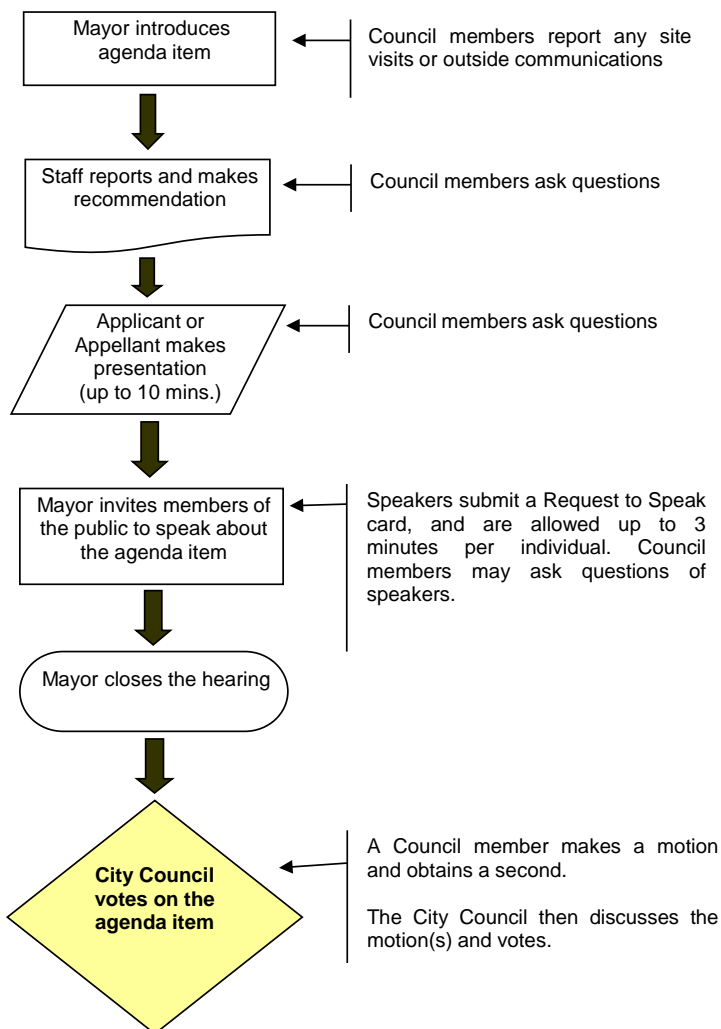
CONDUCT OF BUSINESS

The Mayor is the presiding officer of the City Council. Any member of the public may speak on any item on the agenda for up to three minutes. All statements and questions must be addressed to the Mayor.

City Council hearings serve as a venue for the discussion of sometimes divergent points of view. Please respect the opinions of others and refrain from outward expressions of emotions such as cheering or clapping. Such behavior delays the meeting and may intimidate other persons wishing to express alternate views. Loud, unruly outbursts will result in removal from the meeting.

The proceedings of the meeting are recorded on audiotape and videotape; therefore, members of the audience who address the City Council must come to the lectern/microphone, and are requested to complete a Speaker Card and identify themselves.

FLOWCHART FOR AGENDA ITEMS:



PUBLIC HEARINGS

The City Council is required by law to hold public hearings on certain matters prior to making its decision. Notice to interested parties is given by legal advertisement in the local newspaper of general circulation at least 10 calendar days preceding the hearing date. Applications requiring public hearings include change of zoning, variances, use permits, and tentative maps.

COUNCIL MEETINGS

The City Council regularly meets the first and third Tuesdays of each month. These meetings are held in the Council Chamber of the Cupertino Community Hall, 10350 Torre Avenue, at 6:45 p.m. Closed sessions, when needed, are normally held at 6:00 p.m. Closed sessions cover items such as personnel, litigation, or the sale, purchase, or lease of property. Actions taken in closed sessions are not final until acted upon in public session.

Urgent business, holidays, or election days may trigger special or adjourned meetings. These meetings will be noticed beforehand.

AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

Agendas, minutes, and packets for current and prior City Council and Planning Commission meetings are available at www.cupertino.org, or you can purchase the items on CD.

CITY COUNCIL DECISION IS FINAL

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 www.cupertino.org/index.aspx?page=125 for a reconsideration petition form.



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.

THE CITY COUNCIL AND STAFF

CITY COUNCIL

Cupertino is a General Law city organized under and subject to statutes of the State of California. It is governed by the five-member City Council with the Mayor as the presiding officer. City Council members are elected at-large to four-year, overlapping terms. Each November a mayor and a vice-mayor are selected by the City Council for a one-year term.

The City Council receives advice and assistance from nine commissions, which are appointed by the Council. These are the Bicycle Pedestrian Commission, Fine Arts Commission, Cupertino Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Public Safety Commission, Teen Commission, and the Technology, Information, and Communications Commission.

Council members also serve on a variety of regional bodies, including:

- Association of Bay Area Governments
- League of California Cities
- Santa Clara County (SCC) Cities Association
- SCC Emergency Preparedness Council
- SCC Library District
- SCC Emergency Preparedness Commission
- Santa Clara Valley Water Commission and Water District
- SCC Transportation Authority
- West Valley Mayors and Managers

STAFF

The City Manager and the City Attorney are appointed by the Council. The City Manager is responsible for interpreting and carrying out Council policies and direction, and as the chief administrative officer, the City Manager coordinates the many activities of the city and appoints the professional and technical staff. The City Attorney is the advisor to the City Council as a whole.

TYPES OF COUNCIL ACTIONS

ORDINANCES

Ordinances are the means by which the City enacts its local laws. Unless an urgent situation exists, ordinances will first be presented at a Council meeting as a "first reading." At a subsequent Council meeting, there will be a "second reading and adoption." Ordinances go into effect after a waiting period of thirty days, in most cases, during which time the summary of the ordinance is published in a local newspaper approved for this purpose.

RESOLUTIONS

Resolutions and minute orders are the means by which the City Council formally adopts policies or approves specific actions. These go into effect when adopted.

APPEALS

Any interested person, including a Council member, may appeal a Planning Commission or Director of Community Development decision to the City Council. An appeal must be submitted in writing to the City Clerk within 14 calendar days of the mailing of the notice of the decision.

RECONSIDERATION

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 [www. http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

COMMUNICATING WITH COUNCIL

All Council members:	citycouncil@cupertino.org	
Barry Chang	BChang@cupertino.org	(408) 777-3192
Savita Vaidhyanathan	SVaidhyanathan@cupertino.org	(408) 777-3193
Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Rod Sinks	RSinks@cupertino.org	(408) 777-3194
Gilbert Wong	GWong@cupertino.org	(408) 777-3191
Council administrator	ToniO@cupertino.org	(408) 777-3212
City Hall	www.cupertino.org	(408) 777-CITY

Please note: the City Council discourages submission of written materials on the day of the meeting as this does not provide enough time to give the materials fair evaluation. If you must provide written materials on the day of the meeting, as least one copy must be given to the City Clerk for the permanent record, and ten copies are preferred.

NEWS AND NOTICES FROM CITY HALL

EMAIL

Sign up for e-mailed agendas, minutes, elections, and other items on the city website at www.cupertino.org, or fill out a Speaker Card at the meeting and check your categories of interest.

TELEVISION

The City Channel broadcasts City Council and Planning Commission meetings, as well as agenda previews, public service announcements, and other programs of community interest, on Channel 26 in Cupertino. The meetings are shown at these times:

Tuesday (live)	6:45 p.m.	Friday (replay)	10:00 a.m.
Thursday (replay)	7:00 p.m.	Saturday (replay)	9:00 a.m.

INTERNET

City Council and Planning Commission videos are available on demand at www.cupertino.org. Click "View meetings online."

You can also use iTunes to listen online or download podcasts of City Council meetings. iTunes is a free software program available for Mac and PC users. Occasionally, news and community information is also available at www.Twitter.com/CupertinoCom

AUDIO

Tune into Radio Cupertino, 1670 AM, for meeting announcements, public service messages, and emergency announcements.

USEFUL TELEPHONE NUMBERS

City of Cupertino (City Hall)	General Information and Comments	(408) 777-CITY
Fire (Emergency)	Santa Clara County Fire Dept. dispatch	911
Fire (Non-Emergency)	Santa Clara County Fire Dept.	(408) 378-4010
Garbage	Recology South Bay	(408) 725-4020
Gas & Electricity	Pacific Gas & Electric (PG&E)	1-800-743-5000
Recreation & Community Services	Quinlan Community Center	(408) 777-3120
Police (Emergency)	Santa Clara County Sheriff dispatch	911
Police (Non-Emergency)	Santa Clara County Sheriff	(408) 868-6600
Public Health	Santa Clara County Public Health	(408) 732-3720
Sanitary Sewers	Cupertino Sanitary District	(408) 253-7071
Water	San Jose Water	(408) 279-7900
	California Water	(650) 917-0152