

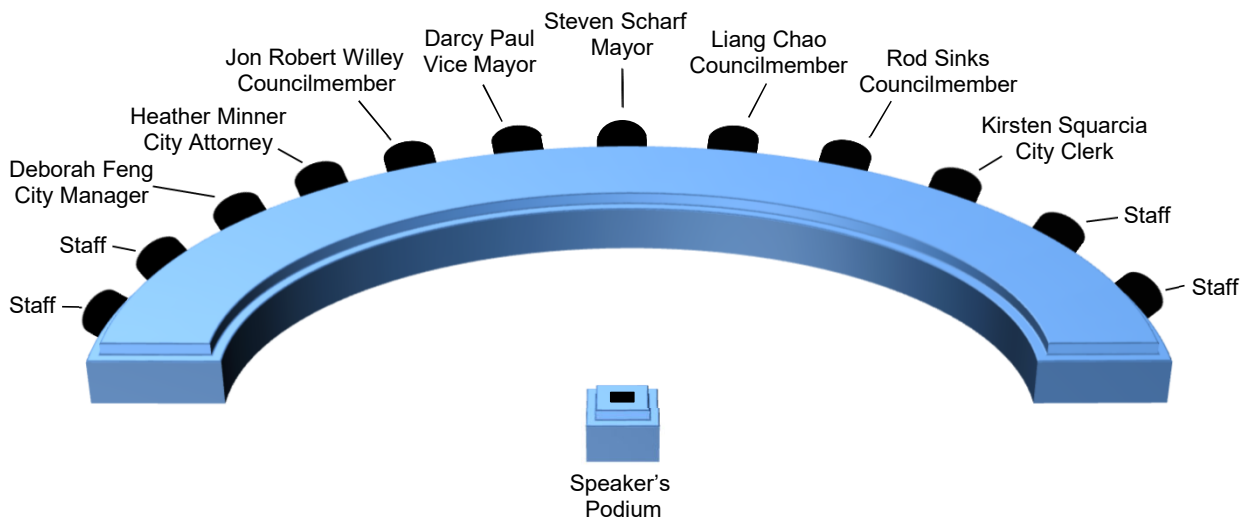


Amended

AGENDA OF THE CITY COUNCIL

Tuesday, March 3, 2020

**Special Meeting Non-Televised Closed Session (5:30)
and Televised Regular Meeting (6:45)**



COMMUNITY HALL COUNCIL CHAMBER

10350 TORRE AVENUE • CUPERTINO, CA 95014

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

WEBSITE: www.cupertino.org

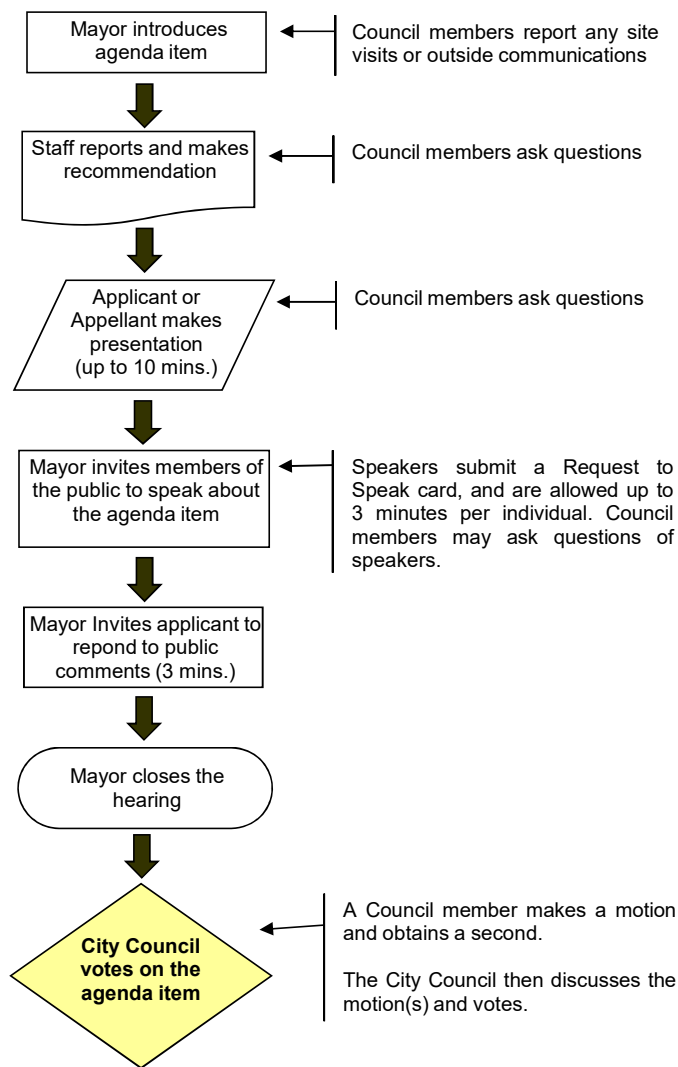
CONDUCT OF BUSINESS

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 cheering or clapping. That may delay the meeting or intimidate other persons wishing to express alternate views. Actions that disrupt the meeting will result in a warning, followed by removal if disruption continues.

The proceedings of the meeting are recorded, 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. Completion of Speaker Cards and identifying yourself is voluntary and not required to attend the meeting or provide comments.

FLOWCHART FOR HEARING 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. The law requires certain actions taken in closed session to be reported in open 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

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, March 3, 2020

5:30 PM

Amended Special Meeting Non-Televised Closed Session (5:30) and Televised Regular Meeting (6:45)

Amended on 2/27/20 to update Item No. 12 Staff Report and to add Item No. 13 Staff Report and Attachments: A. General Plan Annual Report, B. Planning Commission suggestions on General Plan Amendments, and C. Other miscellaneous comments.

NOTICE AND CALL FOR A SPECIAL MEETING OF THE CUPERTINO CITY COUNCIL

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Tuesday, March 03, 2020, commencing at 5:30 p.m. in City Hall Conference Room A, 10300 Torre Avenue, Cupertino, California 95014. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting." The regular meeting items will be heard at 6:45 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California.

SPECIAL MEETING

ROLL CALL - 5:30 PM

10300 Torre Avenue, City Hall Conference Room A

CLOSED SESSION

1. Subject: Public Employee Performance Evaluation (Gov't Code Section 54957). Title: City Attorney.
2. Subject: Conference with Labor Negotiators (Gov't Code section 54957.6). Agency designated representatives: Mayor Steven Scharf and Vice Mayor Darcy Paul. Unrepresented employee: City Attorney.

ADJOURNMENT

REGULAR MEETING

PLEDGE OF ALLEGIANCE - 6:45 PM

10350 Torre Avenue, Community Hall Council Chamber

ROLL CALL**CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Recognition of Fine Arts Commission Young Artists Award winners.
Recommended Action: Present awards to Fine Arts Commission Young Artist Award winners.
2. Subject: Proclamation to Santa Clara County Librarian Nancy Howe upon her retirement and recognizing her dedicated service to the community.
Recommended Action: Present proclamation to Santa Clara County Librarian Nancy Howe upon her retirement and recognizing her dedicated service to the community.
3. Subject: Proclamation recognizing March as "Red Cross Month."
Recommended Action: Present proclamation recognizing March as "Red Cross Month."
4. Subject: Proclamation to Carl Valdez for being awarded Superintendent of the Year by the Maintenance Superintendents Association (MSA) of the San Francisco Bay Area.
Recommended Action: Present proclamation to Carl Valdez for being awarded Superintendent of the Year by the Maintenance Superintendents Association (MSA) of the San Francisco Bay Area.

POSTPONEMENTS**ORAL COMMUNICATIONS**

This portion of the meeting is reserved for persons wishing to address the Council on any matter within the jurisdiction of the Council and not on the agenda. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (3) minutes. As necessary, the Chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first come first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter not listed on the agenda.

REPORTS BY COUNCIL AND STAFF (10 minutes)

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

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.

6. Subject: Approve the February 10 City Council minutes
Recommended Action: Approve the February 10 City Council minutes
[A - Draft Minutes](#)
7. Subject: Approve the February 18 City Council minutes
Recommended Action: Approve the February 18 City Council minutes
[A - Draft Minutes](#)
8. Subject: Treasurer's Investment Report for period ending December 31, 2019
Recommended Action: Accept staff report and provide recommendations.
[Staff Report](#)
[A - Treasurer's Report 12.31.19](#)
[B - Wells Fargo Custodial Report 12.31.19](#)
[C - LAIF Statement 12.31.19](#)
9. Subject: Application for Alcohol Beverage License for Pizza My Heart, Inc (dba Pizza My Heart), 19409 Stevens Creek Boulevard, Suite 140
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Pizza My Heart, Inc (dba Pizza My Heart), 19409 Stevens Creek Boulevard, Suite 140
[Staff Report](#)
[A - Application](#)

SECOND READING OF ORDINANCES

10. Subject: Second reading for Municipal Code Amendments to Chapter 19.112 - Accessory Dwelling Units; Chapter 19.20 - Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones; and Chapter 19.08 - Definitions; for Clarifications, and Consistency with recently adopted State Bills (Application No. MCA-2018-04; Applicant: City of Cupertino; Location: City-wide).
Recommended Action: Conduct the second reading and enact Ordinance No. 20-2199: "An Ordinance of the City Council of the City of Cupertino amending Chapter 19.112, Accessory Dwelling Units; Chapter 19.20 - Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones; and Chapter 19.08 Definitions."
[Staff Report](#)
[A – Draft Ordinance No. 20-2199](#)
[B – Redlines indicating amendments since first reading](#)

PUBLIC HEARINGS

11. Subject: Consider approving 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. City Actions would include General Plan Amendments to consider amending 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. City permits would include: Development, Architectural and Site Approval, and Use Permits. A Development Agreement is also proposed; (Application No(s): GPA-2018-01, DP-2018-01, ASA-2018-02, DA-2018-01, U-2018-02, EA-2018-03; Applicant(s): Sherly Kwok (De Anza Properties); Location: 10931 N De Anza Blvd.; APN #326-10-061 (Continued from January 21, 2020)

Recommended Action: Conduct the public hearing and find:

That the City Council conduct a public hearing, consider the Planning Commission's recommendation, and:

1. Adopt Resolution No. 20-005 adopting a Mitigated Negative Declaration, mitigation measures, and a Mitigation Monitoring and Reporting Program (Attachment A).
2. Adopt Resolution No. 20-006 approving a General Plan Amendment (Attachment B).
3. Adopt Resolution No. 20-007 approving a Development Permit (Attachment C).
4. Adopt Resolution No. 20-008 approving an Architectural and Site Approval Permit (Attachment D).
5. Adopt Resolution No. 20-009 approving a Use Permit (Attachment E).

Introduce and waive 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 With Associated Site and Landscaping Improvements Located at 10931 N. De Anza Blvd. (APN #326-10-061)" (Attachment F).

[Staff Report](#)[A - Draft Resolution EA-2018-03 – Mitigated Negative Declaration, mitigation measures, and a Mitigation Monitoring and Reporting Program](#)[B - Draft Resolution GPA-2018-01 – General Plan Amendment](#)[C - Draft Resolution DP-2018-01 – Development Permit](#)[D - Draft Resolution ASA-2018-02 – Architectural and Site Approval Permit](#)[E - Draft Resolution U-2018-02 – Use Permit](#)[F - Draft Ordinance DA-2018-01 – Development Agreement between the City and Northwest Properties LP](#)[G - Fiscal Analysis of the De Anza Hotel GPA Application](#)[H – Parking Generation Analysis for the Proposed Hotel Located at 10931 N. De Anza Boulevard in Cupertino, CA, dated June 19, 2019](#)[I - Initial Study/Mitigated Negative Declaration, ERC Recommendation dated August 1](#)[J - Public Comment](#)[K – Initial Study /Mitigated Negative Declaration Responses to Comments Memo dated December 5, 2019](#)[L - Initial Study /Mitigated Negative Declaration Responses to Comments Memo for City Council dated February 20, 2020](#)[M – Project Plans](#)**ORDINANCES AND ACTION ITEMS**

12. Subject: Approve the Mid-Year Financial Report and budget adjustments for Fiscal Year 2019-20.

Recommended Action: 1. Accept the City Manager’s Mid-Year Financial Report for FY 2019-20.

2. Approve Budget Modification 1920-076 for Mid-Year adjustments as described in the Mid-Year Financial Report.

3. Adopt Resolution No. 20-026 approving Mid-Year budget adjustments.

[Staff Report](#)[A - Draft Resolution](#)[B - Mid-Year Financial Report](#)[C - Performance Measures](#)[D - Mid-Year Budget Adjustment](#)

13. Subject: General Plan Annual Report, and suggestions to further clarify General Plan Policies and Strategies

Recommended Action: That the City Council:

1. Receive the General Plan Annual Review Report (Attachment A).

2. Authorize the City Manager to incorporate the list of General Plan amendment suggestions made by individual Planning Commissioners (Attachment B) into the previous list of suggested General Plan amendments with the General Plan and Objective Standards 2019/2020 Work Program Item.

[Staff Report](#)

[A - General Plan Annual Report](#)

[B - GPA suggested by individual commissioners](#)

[C - Other miscellaneous suggestions](#)

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

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/cityclerk> 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.

IMPORTANT NOTICE: *Please be advised that pursuant to Cupertino Municipal Code 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City's website and kept in packet archives. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City.*

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 eleven advisory bodies, which are appointed by the Council. These are the Audit Committee, Bicycle Pedestrian Commission, Fine Arts Commission, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Public Safety Commission, Sustainability Commission, Teen Commission, and 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

Steven Scharf	SScharf@cupertino.org	(408) 777-3191
Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Liang Chao	LiangChao@cupertino.org	(408) 777-3192
Rod Sinks	RSinks@cupertino.org	(408) 777-3194
Jon Robert Willey	JWilley@cupertino.org	(408) 777-3193
Executive Assistant	LaurenS@cupertino.org	(408) 777-1312
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-notification of agendas, elections, and other news on the city website at www.cupertino.org/notify

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. Select "I Want To, View City Council meetings".

News and community information can also be found at:

<https://www.facebook.com/cityofcupertino/>

<https://twitter.com/CityofCupertino>

<https://www.instagram.com/cityofcupertino>

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