



**DEPARTMENT OF COMMUNITY DEVELOPMENT**

CITY HALL

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**CITY COUNCIL STAFF REPORT**

Meeting: September 20, 2016

Subject

Second reading of Ordinance No. 16-2148, approving a development agreement between the City of Cupertino and Marina Plaza, LLC and Cupertino 10145, LLC, for the Marina Plaza project located at 10122 Bandlely Drive and 10145 North De Anza Boulevard.

Recommended Action

Conduct the second reading of Ordinance No. 16-2148 an “Ordinance of the City Council of the City of Cupertino approving a development agreement by and among the City of Cupertino, Cupertino 10145, LLC and Marina Plaza, LLC for the Marina Plaza project located at 10122 Bandlely Drive and 10145 North De Anza Boulevard.”

Discussion

On September 6, 2016, the City Council introduced and conducted the first reading of Ordinance No. 16-2148. The City Council unanimously approved the ordinance with the following revisions:

1. Include two additional moderate-income affordable units within the Project, for a total of eighteen affordable units;
2. Included universal access requirements for no fewer than six units, and the Developer will make its best effort to design the units as lawful senior restricted units;
3. Modify Section 5.1.1 (School District Agreement) to ensure updated terms of agreement with Fremont Union High School District and Cupertino Union School District are incorporated.

Attachment C has a redline version of the DA with the revisions, and some minor revisions such as typographic error correction and additional language for clarification.

Environmental Review

Pursuant to the requirements of the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared and adopted. The IS/MND is tiered from the General Plan EIR in accordance with Sections 15152 and 15168 of the CEQA Guidelines and Public Resources Code Section 21094.

Sustainability Impact

The project proposes sustainability elements such as:

- Water efficient landscaping consistent with the City's Water Efficiency Landscape Ordinance
- Development of a Transportation Demand Management program
- The Project shall be constructed in accordance with the City's Green Building Ordinance that requires that the applicant obtain LEED Silver certification or an alternative standard.

#### Fiscal Impact

The development agreement provides funding for the following community benefits:

1. Transportation Demand Association set-up, \$50,000
2. Transportation Demand Association operations, \$25,000 per year
3. Public Improvements, \$225,000
4. Annual Contribution to Fremont Union High School District (FUHSD), \$18,000
5. Annual Contribution to Cupertino Union School District (CUSD), \$46,000

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Prepared by: Erick Serrano, Associate Planner

Reviewed by: Aarti Shrivastava, Assistant City Manager

Approved for Submission by: David Brandt, City Manager

#### Attachments:

A – Draft Ordinance No. 16-2148

B - Development agreement

C - Redline version of development agreement