

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO REPEALING RESOLUTION NO. 18-085 APPROVING A GENERAL PLAN AMENDMENT TO DEVELOPMENT ALLOCATIONS, THE GENERAL PLAN LAND USE MAP AND DEVELOPMENT STANDARDS RELATED TO THE VALLCO TOWN CENTER SPECIAL AREA

WHEREAS, on September 19, 2018, the City Council adopted Resolution No. 18-085 approving a General Plan Amendment to development allocations, the General Plan Land Use Map and development standards related to the Vallco Town Center Special Area, as shown in Exhibits GPA-1 and GPA-2 to Resolution No. 18-085; and

WHEREAS, on October 29, 2018, proponents filed a referendum petition with the Cupertino City Clerk's Office against Resolution No. 18-085; and

WHEREAS, on October 30, 2018 the Clerk's Office performed a prima facie signature count on the petition against Resolution No. 18-085 pursuant to California Elections Code Sections 9239 and 9210, as well as checking the petition form pursuant to Elections Code Section 9238; and

WHEREAS, the prima facie signature count on the petition against Resolution No. 18-085 equaled or exceeded the minimum number of signatures required; and

WHEREAS, on October 30, 2018, the Clerk's Office accepted the petition against Resolution No. 18-085 for filing and subsequently transferred the petition to the Santa Clara County Registrar of Voters Office for signature verification; and

WHEREAS, the Registrar's Office validated the signatures on the petition against Resolution No. 18-085, using 100% signature verification, and determined that the petition against Resolution No. 18-085 had sufficient signatures; and

WHEREAS, on December 18, 2018, the City Council received the City Clerk's Certification of Sufficiency for the petition against Resolution No. 18-085; and

WHEREAS, the City Clerk and City Council received letters dated December 6 and December 18, 2018, respectively, questioning whether the petition against Resolution No. 18-085 complied with technical requirements of Elections Code section 9238; and

WHEREAS, in response to these letters, on February 19, 2019, the City Council authorized the City Attorney, on behalf of the City Clerk, to initiate an appropriate action to determine whether the petition against Resolution No. 18-085 substantially complies with Elections Code requirements; and

WHEREAS, on March 21, 2019, the Superior Court of Santa Clara County entered an order finding that the petition against Resolution No. 18-085 substantially complies with Elections Code section 9238 and directing the City Clerk to process the petition and submit it to the City Council for appropriate action pursuant to Elections Code section 9241; and

WHEREAS, the City Council's options for appropriate action pursuant to Elections Code section 9241 include: (1) repealing Resolution No. 18-085; or (2) submitting Resolution No. 18-085 to the voters, either at the next regular municipal election occurring not less than 88 days after the City Council's order, or at a special election called for the purpose not less than 88 days after the City Council's order; and

WHEREAS, the City Council wishes to choose the option to repeal Resolution No. 18-085, which approved a General Plan Amendment to development allocations, the General Plan Land Use Map and development standards related to the Vallco Town Center Special Area, as shown in Exhibits GPA-1 and GPA-2 to Resolution No. 18-085.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby repeal Resolution No. 18-085 approving a General Plan Amendment to development allocations, the General Plan Land Use Map and development standards related to the Vallco Town Center Special Area, as shown in Exhibits GPA-1 and GPA-2 to Resolution No. 18-085.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 7th day of May 2019, by the following vote.

<u>Vote</u>	<u>Members of the City Council</u>
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AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Grace Schmidt, City Clerk

Steven Scharf, Mayor,
City of Cupertino