



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Tuesday, August 20, 2019

**SPECIAL CITY COUNCIL MEETING**

At 5:32 p.m. Mayor Steven Scharf called the Special City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue.

**ROLL CALL**

Present: Mayor Steven Scharf, Vice Mayor Liang Chao, and Councilmembers Darcy Paul, Rod Sinks (5:33 p.m.), and Jon Robert Willey (5:34 p.m.). Absent: None.

**STUDY SESSION**

1. Subject: Study session to discuss how the 2016 Bicycle Transportation Plan and 2018 Pedestrian Transportation Plan Projects have been brought to Council for consideration, how currently funded projects are being scheduled for completion, and recommendation of project information and impacts staff is to consider and describe for future funding requests

Recommended Action: Receive presentation and provide input

Written communications for this item included emails to Council, amended Attachment D – Bike-Ped Project Schedules, and a presentation.

Director of Public Works Roger Lee and Capital Improvement Program (CIP) Manager Michael Zimmerman reviewed the presentation.

Business Systems Analyst Adam Araza demonstrated an online GIS CIP project viewer application.

Mayor Scharf opened public comment and the following individuals spoke:

Linda Wyckoff (Cupertino resident) talked about Regnart Creek Trail, and asked how bicycle boulevards would link to schools.

Jennifer Griffin talked about the experimental bollards, and trees on Stevens Creek Blvd. between Tantau and Wolfe.

Benaifer Dastoor (Cupertino resident) talked about Regnart Creek Trail, and bicycle collision maps noting stress areas.

Mayor Scharf closed public comment.

Council comments included:

Paul: Place greater scrutiny on projects outside annual CIP process; modify flow chart to include Planning Commission recommendation of conformance to the General Plan before goes to Council; Planning Commission agenda item #4 from 5-28-19 meeting includes text of General Plan conformance and Cupertino Municipal Code (CMC) that governs review of CIP; our CMC requires only annual review but Government Code could possibly include additional review; maybe amend CMC to cover certain projects and have City Attorney's Office look into this. (Chao support last item).

Chao: Make sure to include all attachments in agenda packet for Bike Ped Commission meetings; when the Bike & Ped Plan is updated next year, review scoring to be more objective when giving points to projects; include project initiation forms; for projects outside normal annual CIP process (such as donations) need to consider and explain delay to high priority projects and/or other projects added; schedule (attachment D) is nice; work with community more on Bike Plan update.

Wiley: Have schedule (Attachment D – Bike-Ped Project Schedules) starting from 2016 when Bike Plan was approved.

Council direction to staff included:

- Modify the "Projects outside the Annual CIP" flowchart to include Planning Commission recommendation of conformance to the GP before returning to Council.
- When the Bike & Ped plan is updated, review scoring to be more objective when giving points to projects.
- Include more details about the project when considering approval, consider including the project initiation forms.
- Projects outside normal annual CIP process need to consider and explain impact to high priority projects. This also applies to other projects proposed annually.
- Expand the schedules in Attachment D – Bike-Ped Project Schedules to show prior years and out-years.

**ADJOURNMENT****REGULAR CITY COUNCIL MEETING****PLEDGE OF ALLEGIANCE**

At 6:45 p.m. Mayor Steven Scharf called the Regular City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

**ROLL CALL**

Present: Mayor Steven Scharf, Vice Mayor Liang Chao, and Councilmembers Darcy Paul, Rod Sinks (6:47 p.m.), and Jon Robert Willey. Absent: None.

Mayor Scharf reported out from the closed session held on August 19, 2019.

Before Council went into closed session, the following individual spoke in open session:

Sandra James (Cupertino resident)

1. Subject: Conference with Real Property Negotiators (Government Code Section 54956.8); Property: Cupertino Municipal Water System; Agency Negotiators: Roger Lee and Deborah Feng; Negotiating Parties: City of Cupertino and San Jose Water Company; Under Negotiation: Terms for City Leased Asset.

Council provided direction to its negotiators regarding potential terms for a renegotiated lease of the Cupertino Municipal Water system. No reportable action was taken.

2. Subject: Conference with Legal Counsel pursuant to Government Code section 54956.9(d)(1); Re: Pending Litigation; Friends of Better Cupertino, et al. v. City of Cupertino; Santa Clara County Superior Court, Case No. 18CV330190 (SB 35 Vallco Project).

The Council discussed with legal counsel this pending litigation for which discussion in open session would prejudice the City in the litigation. No reportable action was taken.

3. Subject: Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): One potential case.

No reportable action was taken.

4. Subject: Conference with Legal Counsel - Anticipated Litigation; Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): Two potential cases.

No reportable action was taken on the first potential case. No reportable action was taken on the second potential case.

#### **CEREMONIAL MATTERS AND PRESENTATIONS - None**

#### **POSTPONEMENTS - None**

#### **ORAL COMMUNICATIONS**

Muni Madhhipatla (Cupertino resident) talked about the Ride4Diabetes community event to be held in Memorial Park on 9/8/19 sponsored by Lions Club International (provided flyers).

Brooke Ezzat (Cupertino resident) talked about housing policy in Cupertino.

Sidhar M (Cupertino resident) talked about support for Regnart Creek Trail.

Larry Dean (Cupertino resident) on behalf of Walk-Bike Cupertino talked about support for Regnart Creek Trail.

Ignatius Y Ding (Cupertino resident) talked about removing David Fung from the Planning Commission (provided written comments).

Greg Schaffer (Cupertino resident) talked about outsider influence on the community.

Richard Mehlinger (Sunnyvale resident) talked about removing Ray Wang from the Planning Commission.

Dolly Sandoval (Cupertino resident) talked about the recent ribbon cutting at Veranda, and concern over Planning Commissioner Ray Wang's remarks.

Heather Dean (Cupertino resident) talked about concern over the recent Cupertino Town Hall Meeting being recorded by a member of the public.

J.R. Fruen (Cupertino resident) talked about concern over Planning Commissioner Ray Wang's remarks.

Rhoda Fry talked about Lehigh Cement Company and a Bay Area Air Quality Management District (BAAQMD) meeting (provided written comments).

Ed Hirshfield (Cupertino resident) talked about removing item #11 regarding Vallco from the agenda as it wasn't properly noticed.

Jeonghee Yi (Cupertino resident) talked about Bike/Ped priorities and Regnart Creek Trail, and to spend money on other projects rather than Regnart Creek Trail to address collision problem areas.

Goeff Paulsen (Cupertino resident) talked about transportation issues.

Danessa Techmanski (Cupertino resident) talked about disappointment over California housing bills.

James Moore (Cupertino resident) talked about unfair accusations against Planning Commissioner Ray Wang.

Lisa Warren talked about respecting the General Plan and Vallco decisions made in 2014 (provided written comments).

Tessa Parish (Cupertino resident) talked about unfair attacks on Planning Commissioner Ray Wang.

Cup Rez (Cupertino resident) talked about the California housing crisis and Cupertino having a good housing/jobs balance.

#### **REPORTS BY COUNCIL AND STAFF (10 minutes)**

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

Councilmembers highlighted the activities of their committees and various community events.

#### **CONSENT CALENDAR**

Wiley moved and Sinks seconded to approve the items on the Consent Calendar as presented except for item numbers 4 and 8 which were pulled for discussion. Ayes: Scharf, Chao, Paul, Sinks, and Wiley. Noes: None. Abstain: None. Absent: None.

2. Subject: FY 2017-18 Comprehensive Annual Financial Report (CAFR) and related supplemental reports.  
Recommended Action: Approve the FY 2017-18 Comprehensive Annual Financial Report (CAFR) and related supplemental reports.
3. Subject: Treasurer's Investment Report for period ending June 30, 2019  
Recommended Action: Approve the Treasurer's Investment Report for period ending June 30, 2019.
4. Subject: Updated Joint Use Agreement between the City of Cupertino and Cupertino Union School District (CUSD) pertaining to maintenance and improvements of certain open space areas within specific school sites for reimbursement of authorized Clean Water and Storm Protection Fees  
Recommended Action: 1. Authorize the City Manager to execute an updated Joint Use Agreement between the City of Cupertino and CUSD; and 2. Authorize expenditures in the amount of \$8,705.80 from the Non-Point Source Fund to reimburse CUSD for Clean Water and Storm Protection Fees associated with certain open space areas within specific school sites

Written communications for this item included an email to Council.

Director of Public Works Roger Lee reviewed the item.

Mayor Scharf opened public comment and the following individuals spoke:

Peggy Griffin (Cupertino resident) said Sedgewick and Lawson should be on the list.

Lisa Warren agreed with Peggy Griffin and asked about meetings with CUSD regarding this topic and others.

Mayor Scharf closed public comment.

Paul moved and Sinks seconded to authorize the City Manager to execute an updated Joint Use Agreement between the City of Cupertino and CUSD; and 2. Authorize expenditures in the amount of \$8,705.80 from the Non-Point Source Fund to reimburse CUSD for Clean Water and Storm Protection Fees associated with certain open space areas within specific school sites; and 3. Provide direction to staff and the CM to approach the CUSD administration and its Superintendent regarding the subsequent inclusion of both Lawson

Middle School and Sedgewick Elementary School properties in the Joint Use Agreement. The motion carried unanimously.

5. Subject: Adopt the City of Cupertino Annex to the Santa Clara County Community Wildfire Protection Plan as the City of Cupertino Community Wildfire Protection Plan.  
Recommended Action: Adopt Resolution No. 19-107 which adopts the City of Cupertino Annex to the Santa Clara County Community Wildfire Protection Plan as the City of Cupertino's Community Wildfire Protection Plan.
6. Subject: Award Byrne Avenue Sidewalk Improvements, Project Number 2016-10  
Recommended Action: Authorize the City Manager to award a contract to Granite Construction Company in the amount of \$1,853,984 and approve a construction contingency of \$185,398, for a total of \$2,039,382 for the Byrne Avenue Sidewalk Improvements, Project Number 2016-10
7. Subject: Authorize the City Manager to execute a lease agreement with the Regents of the University of California for the Rolling Hills 4H Club for facilities at the McClellan Ranch Preserve  
Recommended Action: Authorize the City Manager to execute a lease agreement with the Regents of the University of California for the Rolling Hills 4H Club for facilities at the McClellan Ranch Preserve for a period of five years, from September 1, 2019 through August 31, 2024
8. Subject: Agreement with Nomad Transit LLC (Via Transportation Inc.) for the 18-month On-Demand Community Shuttle Pilot Program  
Recommended Action: Authorize the City Manager to execute an agreement with Nomad Transit LLC (Via Transportation Inc.) for the 18-month On-Demand Community Shuttle Pilot Program with a not-to-exceed cost of \$1,750,000

City Attorney Heather Minner noted a CEQA statutory exemption requirement action that Council also needed to take.

Sinks moved and Paul seconded to find that the approval to execute the agreement with Nomad Transit LLC (Via Transportation Inc.) for the 18-month On-Demand Community Shuttle Pilot Program is statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080(b)(10), and direct staff to file a Notice of Exemption and further finding that the approval is exempt from CEQA pursuant to Title 14 of the California Code of Regulations Chapter 3, Article 5, Section 15061(b)(3) because it is certain that there is no possibility that this approval would have a significant effect on the environment; and Authorize the City Manager to execute an agreement with Nomad

Transit LLC (Via Transportation Inc.) for the 18-month On-Demand Community Shuttle Pilot Program with a not-to-exceed cost of \$1,750,000. Councilmember Paul encouraged staff to make sure the program rolls out as quickly and efficiently as possible and to ensure there is a significant roll out not just with public relations but also outreach to the community to ensure everyone is aware of the availability. The motion carried unanimously.

9. Subject: Accept termination of Audit Committee member James (Jim) Luther and direct staff to fill the unscheduled vacancy in January 2020 concurrent with the annual recruitment for all commission and committee members' terms expiring in January, 2020. Recommended Action: Accept termination of Audit Committee member James (Jim) Luther and direct staff to fill the unscheduled vacancy in January 2020 concurrent with the annual recruitment for all commission and committee members' terms expiring in January, 2020.

## SECOND READING OF ORDINANCES

10. Subject: Second reading of Ordinance No. 19-2186, approving a development agreement between the City of Cupertino and Cupertino Village LP for the Cupertino Village Hotel project located at 10801 and 10805 North Wolfe Road; APN #316-45-017, 316-05-056  
Recommended Action: Conduct the second reading of Ordinance No. 19-2186: "An Ordinance of the City Council of the City of Cupertino Approving a Development Agreement for the Development of a new 5-story, 185 room hotel with associated site and landscaping improvements located at 10801 and 10805 North Wolfe Road (APN: 316-45-017 and 316-05-056."

Mayor Scharf opened public comment and the following individual spoke:

Jennifer Griffin spoke in support for this item.

Mayor Scharf closed public comment.

City Clerk Grace Schmidt read the title Ordinance No. 19-2186: "An Ordinance of the City Council of the City of Cupertino Approving a Development Agreement for the Development of a new 5-story, 185 room hotel with associated site and landscaping improvements located at 10801 and 10805 North Wolfe Road (APN: 316-45-017 and 316-05-056."



Paul moved and Sinks seconded to read Ordinance No. 19-2186 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Scharf, Chao, Paul, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

Paul moved and sinks seconded to enact Ordinance No. 19-2186. Ayes: Scharf, Chao, Paul, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

Scharf moved and Willey seconded to move item numbers 12 and 13 under Ordinances and Action Items before item number 11 under Public Hearings. The motion carried unanimously.

## ORDINANCES AND ACTION ITEMS

12. Subject: Establish a Residential Clean Water Rebate Program offering various financial incentives to decrease storm water runoff and establish a 20% cost-share of Clean Water and Storm Protection Fees for extremely low and very low-income property owners

Recommended Action:

1. Authorize expenditures not to exceed \$25,000 per year from the Environmental Management/Clean Creeks Fund to: A. fund the Santa Clara Valley Water District's Rainwater Capture Program to match rebates for rain barrels, cisterns, and rain garden construction for Cupertino residential property owners offered through the Santa Clara Valley Water District's new program, and  
B. to fund a separate City program that would provide property owners up to \$3.00 per square foot of impervious surface removed and replaced with pervious hardscape; and
2. Adopt Resolution No. 19-111 to approve a Budget Adjustment in the amount of \$25,000 in the Non-Point Source Fund for the Santa Clara Valley Water District's Rainwater Capture Program, and the new impervious pavement conversion rebate pilot program (230-81-802); and
3. Authorize a 20% cost-share of Clean Water and Storm Protection Fees for extremely low and very low-income property owners; and
4. Authorize expenditures not to exceed \$14,000 per year from the Non-Point Source Fund for a 20% cost-share of the 2019 Clean Water and Storm Protection fee for extremely low and very low-income property owners (230-81-802)

Written communications for this item included a presentation.

Director of Public Works Roger Lee reviewed the presentation.

Paul moved and Scharf seconded to:

1. Authorize expenditures not to exceed \$25,000 per year from the Environmental Management/Clean Creeks Fund to:
  - A. Fund the Santa Clara Valley Water District's Rainwater Capture Program to match rebates for rain barrels, cisterns, and rain garden construction for Cupertino residential property owners offered through the Santa Clara Valley Water District's new program; and
  - B. Fund a separate City program that would provide property owners up to \$3.00 per square foot of impervious surface removed and replaced with pervious hardscape; and
2. Adopt Resolution No. 19-111 to approve a Budget Adjustment in the amount of \$25,000 in the Non-Point Source Fund for the Santa Clara Valley Water District's Rainwater Capture Program, and the new impervious pavement conversion rebate pilot program (230-81-802); and
3. Authorize a 20% cost-share of Clean Water and Storm Protection Fees for extremely low and very low-income property owners; and
4. Authorize expenditures not to exceed \$14,000 per year from the Non-Point Source Fund for a 20% cost-share of the 2019 Clean Water and Storm Protection fee for extremely low and very low-income property owners (230-81-802)

Council also directed staff to keep track of administrative outreach required and report back to Council after the trial period. The motion carried unanimously.

13. Subject: Amendment to the FY 2019-2020 City Council Work Program to add a new Community Development Work Program Item related to increasing noticing for development projects.  
Recommended Action: That the City Council decide whether to amend the 2019/2020 City Work Program as proposed and appropriate funds to complete the project.

Director of Community Development Ben Fu reviewed the presentation.

Mayor Scharf opened public comment and the following individual spoke:

Jennifer Griffin talked about lack of noticing regarding the Urban Villages in San Jose.

Mayor Scharf closed public comment.

Council comments included: Want commitment from staff if have extra hours to pick back up other items; add this item on wait list bucket; study and bring with fee schedule; bigger projects with Citywide impact; add to next year's work program because other items

important; leave up to staff for this year; not intended for single family residence but for projects with significant impacts; rate noticing area depending on number of stories.

Council directed staff to place the item on next year's Work Program and as a policy, to start requiring/encouraging applicants of large and/or controversial projects to implement greater noticing radius and time period.

Council recessed from 8:50 p.m. to 8:55 p.m.

## **PUBLIC HEARINGS**

11. Subject: Vallco Shopping District Special Area General Plan Amendments and Associated Zoning Amendments; and Second Addendum to the Environmental Impact Report for the 2014 General Plan Amendment, Housing Element Update, and Associated Rezoning Project

Recommended Action: That the City Council: 1. Conduct the public hearing; and 2. Adopt: a. Resolution No. 19-108, a resolution adopting a Second Addendum to the Environmental Impact Report for the 2014 General Plan Amendment, Housing Element Update, and Associated Rezoning Project (Attachment 1) b. Resolution No. 19-109 (GPA-2019-01), a resolution amending the General Plan to remove Office as a permitted use from the Vallco Shopping District Special Area and remove associated office allocations (Attachment 2); c. Resolution No. 19-110 (GPA-2019-02), a resolution amending the General Plan and General Plan Land Use Map to establish height limits and enact development standards for residential uses within the Vallco Shopping District Special Area and identifying a recommended location for future residential development on 13.1 acres of the Special Area (Attachment 3); 2. Introduce and conduct the first reading of: a. Ordinance No. 19-2187 (MCA-2019-01), "An Ordinance of the City Council of the City of Cupertino eliminating references in the Municipal Code to the Vallco Town Center Specific Plan and adding language establishing development standards for a new Mixed Use Planned Development with Multifamily (R3) Residential and General Commercial zoning designation (P(R3,CG))" (Attachment 4); and b. Ordinance No. 19-2188 (Z-2019-01), "An Ordinance of the City Council of the City of Cupertino amending the zoning map to rezone 13.1 acres within the Vallco Shopping District Special Area to Mixed Use Planned Development with Multifamily (R3) Residential zoning P(R3,CG) and General Commercial uses and the remainder of the Special Area to General Commercial (CG)" (Attachment 5).

Vice Mayor Chao recused herself on this item.

Written communications for this item included emails and letters to Council, presentation, resolution and ordinance amendments, and Councilmember Paul's comments (which can

be found under “written communications” on the agendas/minutes webpage for this meeting and also in Council agendas and packets under the “public records” link on the City’s website.

Director of Community Development Ben Fu reviewed the presentation.

Mayor Scharf opened the public hearing and the following individuals spoke:

Jennifer Griffin – no support for SB35 and concern over loss of retail in Cupertino.

Muni Madhhipatla (Cupertino resident) - misleading communications from property owner.

Edward Hirshfield (Cupertino resident) - support for Vallco development.

Kevin McClelland - no support for this item.

Lisa Warren - previous decision on GPA in 2014.

Charmaine Yu on behalf of the Vallco Property Owner - no support for the GP amendments and litigation risks to the City (provided written comments).

Richard Mehlinger (Sunnyvale resident) - need to build housing and no support for the GP amendments.

Peggy Griffin (Cupertino resident) - support for the GP amendments.

Connie Cunningham (Cupertino resident) - support for the Planning Commission resolution to move forward with more community outreach first; support for Vallco Specific Plan with communication with developer.

James Moore (Cupertino resident) - jobs/housing balance.

Jean Bedord (Cupertino resident) - no support for the GP amendments (provided written comments).

Ignatius Y. Ding (Cupertino resident) - support for the GP amendments.

Geoff Paulsen (Cupertino resident) - being compassionate regarding housing needs.

Ethan Lipman (Cupertino resident) - need for a diverse housing stock in Cupertino.

John McGuigan (Cupertino resident) - support for the GP amendments.

Al DiFrancesco (Cupertino resident) - support for the GP amendments.

Albert Liu (Cupertino resident) - no support for the GP amendments.

Rick Kitson on behalf of Cupertino Chamber of Commerce - need for mixed-use development for economic viability.

Sujatha Venkatraman on behalf of West Valley Community Services - need for affordable housing in Cupertino.

Vinod Balakrishnan (Cupertino resident) - support for the GP amendments.

Marie Liu on behalf of Cupertino for All - no support for the GP amendments and lack of notice.

Celia House (Cupertino resident) - support for Vallco development as soon as possible.

Qin Pan (Cupertino resident) - support for the GP amendments.

Yuva Athur (Cupertino resident) - support for the GP amendments.

Tessa Parish (Cupertino resident) - support for the GP amendments.

Naidu Bollineni (Cupertino resident) – concern over a Planning Commissioner influence on Vallco process.

Venkat Ranganathan (Cupertino resident) – need compromise on Vallco development.

Siva Gandikota (Cupertino resident) - support for the GP amendments.

Bill Kerr (Cupertino resident) - no support for the GP amendments.

Hung Wei (Cupertino resident) - no support for the GP amendments.

Joan Chin (Cupertino resident) - support for the GP amendments.

Rahul Vasanth (Cupertino resident) - support for the GP amendments.

Mayor Scharf closed the public hearing.

Council recessed from 10:40 p.m. to 10:45 p.m.

Council comments included:

Scharf: 13.1 acres most appropriate next to Rose Bowl; Scenario A includes housing at Vallco; Scenario B is no housing at Vallco and change numbers at Oaks and Hamptons; help solve regional jobs/housing balance; don't add so many jobs with office that will need more housing in the future due to RHNA; need community engagement process; maybe some office could go there with commensurate amount of housing; want City to work with property owner and community input to have a development that won't crowd local schools; City Manager authority to bring residents, Council, and property owner together to find a solution that will work for everyone; need to do 13.1 acres for RHNA needs; not 4000 due to school enrollment in area, maybe 2000 would be okay; could be some office but commiserate with housing.

Wiley: Community input most important thing; must represent Cupertino residents first and foremost; make sure checks and balances are firmly in place for the community (GPA); next to houses on west side of Vallco make sure have slope, building plane and heights; cap at 60 feet, building plane 3 in and 1 up; want BMR for low and very low, individuals with disabilities, seniors; majority of residents gets his vote; redevelop Vallco ASAP; keep height at 60 rather than 75 as would grow with BMR requirement.

Paul: (provided written comments) Supports 1 to 1.5 building plane; okay to see 1:2 with future intent for staff to prepare GPA in future to allow for 1500 units and 400,000 square feet of retail to be added.

Sinks: Support Scharf to empower City Manager to negotiate on Council's behalf; support long on housing with BMR at all income levels; add housing and reduce office efforts; start with SB35 project, decrease office, increase housing and increase diversity in BMR; OR start with Specific Plan and reduce office from there and increase housing; concern about bringing office to zero is negative contribution to a project whereas in mixed-use, homes help evening sales and office helps daytime sales for retail; can't support moving forward with no dialogue with property owner; must be economically feasible for property owner or nothing will get done; good faith negotiation with viable options; need more dialogue with the public; look at whole site and not just a piece of it; 3000-4000 housing units with all economic levels.

Council selected Location D: East of Wolfe Road and North of Vallco Parkway, as shown on Exhibit 10 of the Staff Report, as the location of approximately 13.1 acres on the site to be designated and zoned for residential use.

Paul moved and Willey seconded to adopt Resolution No. 19-108, a resolution adopting a Second Addendum to the Environmental Impact Report for the 2014 General Plan Amendment, Housing Element Update, and Associated Rezoning Project. The motion carried with Sinks voting no and Chao recusing.

Paul moved and Willey seconded to adopt Resolution No. 19-109 (GPA-2019-01), a resolution amending the General Plan to remove Office as a permitted use from the Vallco Shopping District Special Area and remove associated office allocations. The motion carried with Sinks voting no and Chao recusing.

Paul moved and Willey seconded to adopt Resolution No. 19-110 (GPA-2019-02), a resolution amending the General Plan and General Plan Land Use Map to establish height limits and enact development standards for residential uses within the Vallco Shopping District Special Area and identifying a recommended location for future residential development on 13.1 acres of the Special Area based on location D as shown on Attachment 10 of the staff report, as amended to (1) reflect changes shown on dais materials provided to Council and made available on the City's website as written communications from staff; (2) add a required building plane adjoining the western side of the shopping district shopping area also known as the Portal neighborhood with a slope line of two feet of setback for every one foot of vertical building; (3) add of the following language to the resolution: "Now therefore be it further resolved that the City Council directs staff to initiate a Specific Planning process for the portion of the site designated "Regional Shopping" and consider as part of that process a plan that would include a maximum of 1,500 units of housing for the entirety of the Vallco Shopping District's special area inclusive of any and all housing and density bonuses, including added incentives for

features such as housing for extremely low income households and housing for persons with disabilities including developmental disabilities, and reduce the amount of retail required to 400,000 square feet exclusive of the parcel known colloquially as the Simeon Property;" (4) set a 60-foot height limitation for the entirety of the Vallco Shopping District Special Area; and (5) designate 13.1 acres of the Vallco site as Regional Shopping/Residential in location D as shown on Attachment 10 of the staff report. The motion carried with Sinks voting no and Chao recusing.

City Clerk Grace Schmidt read the title of Ordinance No. 19-2187 (MCA-2019-01): "An Ordinance of the City Council of the City of Cupertino eliminating references in the Municipal Code to the Vallco Town Center Specific Plan and adding language establishing development standards for a new Mixed Use Planned Development with Multifamily (R3) Residential and General Commercial zoning designation (P(R3,CG))"

Paul moved and Willey seconded to read Ordinance No. 19-2187 by title only and that the City Clerk's reading would constitute the first reading thereof as amended to reflect changes shown on dais materials provided to Council and made available on the City's website as written communications from staff. Ayes: Scharf, Paul, and Willey. Noes: Sinks. Abstain: None. Absent: None. Recuse: Chao.

City Clerk Grace Schmidt read the title of Ordinance No. 19-2188 (Z-2019-01), "An Ordinance of the City Council of the City of Cupertino amending the zoning map to rezone 13.1 acres within the Vallco Shopping District Special Area to Mixed Use Planned Development with Multifamily (R3) Residential zoning P(R3,CG) and General Commercial uses and the remainder of the Special Area to General Commercial (CG)"

Paul moved and Willey seconded to read Ordinance No. 19-2188 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Scharf, Paul, and Willey. Noes: Sinks. Abstain: None. Absent: None. Recuse: Chao.

Council also directed the City Manager to attempt to engage with the property owner to discuss potential alternatives.

**ORAL COMMUNICATIONS - CONTINUED (As necessary) - None**

## **COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS**

Councilmembers highlighted the activities of their various community events.

City Manager Deborah Feng noted that the City received a Silicon Valley Business Journal Structures Award for The Veranda in the category of Best Affordable Residential Project and a ceremony will be held September 19.

## **ADJOURNMENT**

At 12:10 a.m. on Wednesday, August 21, Mayor Scharf adjourned the meeting.

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Grace Schmidt, City Clerk