

CITY OF CUPERTINO  
10300 Torre Avenue  
Cupertino, California 95014

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO  
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

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SECTION I: PROJECT DESCRIPTION

Application No: GPA-2019-02

Applicant: City of Cupertino

Location: 10101 to 10333 N Wolfe Rd

APN#s: 316-20-080, 316-20-081, 316-20-088, 316-20-092, 316-20-094, 316-20-095,  
316-20-099, 316-20-100, 316-20-101, 316-20-103, 316-20-104, 316-20-105,  
316-20-106, 316-20-107

SECTION II: RECITALS

WHEREAS, Strategy 1 in the Housing Element of the Cupertino General Plan identifies the Vallco Shopping District Special Area as being appropriate to accommodate at least 389 dwelling units at a minimum density of 20 units per acre and a maximum density of 35 units per acre and provides that if a specific plan is not adopted by May 31, 2018, the City will consider removing the Special Area as a Priority Housing Site; and

WHEREAS, as required by Housing Element Strategy 1, at a study session on June 18, 2019 the City Council considered removing the Vallco Shopping District Special Area as a Priority Housing Site; and

WHEREAS, after consideration of its options at the June 18, 2019 study session, the City Council provided direction to staff to retain the Vallco Shopping District Special Area as a Priority Housing Site, and City Council directed staff to prepare a General Plan Amendment for its consideration to permit 389 residential units by right within the Vallco Shopping District Special Area to accommodate the City's Regional Housing Need Allocation (RHNA) consistent with the Housing Element and with Government Code Section 65863; and

WHEREAS, the proposed General Plan amendment would establish a minimum density of 29.7 units per acre and a maximum density of 35 units per acre to permit residential uses by right on 13.1 acres of the Vallco Shopping District Special Area, which would accommodate between 389 and 458 residential units, consistent with the Housing Element's requirements for the Special Area as a Priority Housing Site; and

WHEREAS, the proposed General Plan amendment is not a reduction in density as defined by Government Code Section 65863 and the City has adequate sites to accommodate its RHNA, so no additional findings are required to comply with Government Code Section 65863; and

WHEREAS, this General Plan Amendment establishes height limits and enacts development standards for residential uses within the Vallco Shopping District Special Area (the "General Plan Amendment") to ensure that the policies and strategies contained in the City's Housing Element are implemented and will allow for planning and development that is consistent with the community's vision for the Vallco Shopping District Special Area while the City continues its effort to develop a specific plan for the Special Area; and

WHEREAS, the City has prepared a Second Addendum ("Second Addendum") to the Final Environmental Impact Report ("Final EIR") for the General Plan Amendment, Housing Element Update, and Associated Rezoning Project (State Clearinghouse No. 2014032007) for modifications to the General Plan and zoning affecting the Vallco Shopping District Special Area in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") together with the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) (hereinafter, "CEQA Guidelines"); and

WHEREAS, following necessary public notices given as required by the procedural ordinances of the City of Cupertino and the Government Code, the Planning Commission held a public hearing on July 30, 2019 to consider the General Plan Amendment; and

WHEREAS, on July 30, 2019, the Second Addendum was presented to the Planning Commission; and

WHEREAS, on July 30, 2019, by Resolution 6884, the Planning Commission recommended on a 4-0 vote (Commissioner Moore recused) that the City Council adopt a General Plan Amendment solely to impose height limitations within the Vallco Shopping District Special Area subject to certain conditions and recommended that the City Council adopt the Second Addendum for modifications to the Project (as defined in Resolution No. [XXXX]) affecting the Vallco Shopping District Special Area; and

WHEREAS, on August 20, 2019, upon due notice, the City Council held a public hearing to consider the General Plan Amendment; and

WHEREAS, on August 20, 2019, by Resolution No. [XXXX], the City Council adopted the Second Addendum to the Final EIR (EA-2013-03); and

WHEREAS, the City Council of the City of Cupertino is the decision-making body for this Resolution;

WHEREAS, prior to taking action on this Resolution, the City Council has exercised its independent judgment and reviewed and considered the information in the Second Addendum, which concludes that no further environmental review is required for the General Plan amendment to establish height limits and enact development standards for residential uses in the Vallco Shopping District Special Area.

### SECTION III: RESOLUTIONS

NOW, THEREFORE, BE IT RESOLVED:

After careful consideration of the, maps, facts, exhibits, testimony and other evidence submitted in this matter, the City Council hereby finds that the proposed amendments are consistent with the City's Comprehensive General Plan (Community Vision 2040), including the Housing Element. The Housing Element of the General Plan identifies the Vallco Shopping District Special Area as a "Priority Housing Site," that can accommodate a portion of its Regional Housing Need Allocation (RHNA) by permitting 389 units "by right" at a minimum density of 20 units per acre and a maximum density of 35 units per acre. The amendments define development standards for the Vallco Shopping District Special Area that will allow residential development by right on 13.1 acres at a minimum density of 29.7 units per acre maximum density of 35 units per acre, which provides for development of at least the 389 units called for in the Housing Element. The City Council determined to retain the Vallco Special Area as a Priority Housing Site, and the proposed amendments implement Housing Element Strategy 1 and related actions to enable the development of at least 389 units by right within the Vallco Shopping District Special Area to meet the City's RHNA, and therefore, they are consistent with the Housing Element.

NOW, THEREFORE, BE IT FURTHER RESOLVED:

After careful consideration of the, maps, facts, exhibits, testimony and other evidence submitted in this matter, and based on the preceding findings, the City Council hereby adopts:

1. Amendments to the General Plan (Application No. GPA-2019-02) as shown in Exhibit GPA-02A and authorizes the staff to make grammatical, typographical, numbering, and formatting changes necessary to assist in production of the final published General Plan; and
2. Changes to the Land Use Map as shown in Exhibit GPA-02B.

NOW, THEREFORE, BE IT FURTHER RESOLVED:

The foregoing recitals are true and correct and are included herein by reference as findings.

NOW, THEREFORE, BE IT FURTHER RESOLVED:

The City Council directs the Director of Community Development to file a Notice of Determination with the Santa Clara County Recorder in accordance with CEQA and the CEQA Guidelines.

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PASSED AND ADOPTED this 20th day of August 2019, at a Regular Meeting of the City Council of the City of Cupertino by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

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Grace Schmidt  
City Clerk

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Steven Scharf  
Mayor, City of Cupertino

## Exhibit GPA-02A

### Chapter 2, page PA-8

#### CONTEXT

The Vallco Shopping District Special Area encompasses Cupertino's most significant commercial center, formerly known as the Vallco Fashion Park. This Special Area is located between Interstate 280 and Stevens Creek Boulevard in the eastern part of the city. The North Blaney neighborhood, an established single-family area, is adjacent on the west side of the Vallco Shopping District. Wolfe Road bisects the area in a north-south direction, and divides Vallco Shopping District into distinct subareas: Vallco Shopping District Gateway West and Vallco Shopping District Gateway East. In recent years there has been some façade improvement to the Vallco Fashion Mall; however, there has been no major reinvestment in the mall for decades. Reinvestment is needed to upgrade or replace older buildings and make other improvements so that this commercial center is more competitive and better serves the community. Currently, the major tenants of the mall include a movie theater, bowling alley and three national retailers. The Vallco Shopping District is identified as a separate Special Area given its prominence as a regional commercial destination and its importance to future planning/redevelopment efforts expected over the life of the General Plan.

#### VISION

The Vallco Shopping District will continue to function as a major regional and community destination. The City envisions this area as a new mixed-use "town center" and gateway for Cupertino. It will include an interconnected street grid network of bicycle and pedestrian-friendly streets, more pedestrian-oriented buildings with active uses lining Stevens Creek Boulevard and Wolfe Road, and publicly-accessible grade-level parks and plazas that support the pedestrian-oriented feel of the revitalized area. New development in the Vallco Shopping District should be required to provide buffers between adjacent single-family neighborhoods in the form of boundary walls, setbacks, landscaping or building transitions.

[Designate 13.1 acres as new "Regional Shopping/Residential" and designate the bulk of the sites as new "Regional Shopping" designation within the Vallco Shopping District Special Area Diagram.]

Chapter 3, Page LU-13

Table LU-1: citywide Development Allocation Between 2014-2040

	Commercial (s.f.)			Office (s.f.)			Hotel (rooms)			Residential (units)		
	Current Built (Oct. 7, 2014)	Buildout	Available	Current Built (Oct. 7, 2014)	Buildout	Available	Current Built (Oct. 7, 2014)	Buildout	Available	Current Built (Oct. 7, 2014)	Buildout	Available
Vallco Shopping District**	1,207,774	1,207,774	-	-	-	-	148	339	191	-	389	389

**\*\* Buildout totals for Residential allocation within the Vallco Shopping District are available by-right as defined in Government Code Section 65863.2.**

Chapter 3, Pages LU-16 and 17

Figure LU-2: Community Form Diagram

**Vallco Shopping District Special Area**

**West of Wolfe Rd Regional Shopping / Residential**

**Maximum Residential Density**  
35 units per acre in areas identified in Figure LU-4

**Minimum Residential Density**  
29.7 units per acre in areas identified in Figure LU-4

**Maximum Height**  
Per Specific Plan  
Up to 60 feet for residential only uses  
Up to 75 feet for residential above ground-floor retail uses

**Regional Shopping East of Wolfe Rd**

**Maximum Residential Density**  
35 units per acre N/A - residential is not a permitted use

**Maximum Height**  
Per Specific Plan Up to 60 feet

[Show the approximate location for the Regional Shopping / Residential portion of the site, in addition to a more detailed diagram LU-4.]

**Building Planes:**

- Maintain the primary building bulk below a 1:1 slope line drawn from the arterial/boulevard curb line or lines except for the Crossroads Area.
- For the Crossroads area, see the Crossroads Streetscape Plan.
- For projects outside of the Vallco Shopping District Special Area that are adjacent to residential areas: Heights and setbacks adjacent to residential areas will be determined during project review.
- For projects within the Vallco Shopping District Special Area that are adjacent to the North Blaney neighborhood: Maintain the primary building bulk below a 1:1 slope line drawn from the adjacent residential property line.

- For the North and South Vallco Park areas (~~except for the Vallco Shopping District Special Area~~): Maintain the primary building bulk below a 1.5:1 (i.e., 1.5 feet of setback for every 1 foot of building height) slope line drawn from the Stevens Creek Blvd. and Homestead Road curb lines and below 1:1 slope line drawn from Wolfe Road and Tantau Avenue curb line.

**Priority Housing Sites:** Notwithstanding the heights and densities shown above, the maximum heights and densities for Priority Housing Site identified in the adopted Housing Element other than the Vallco Shopping District Special Area shall be as reflected in the Housing Element. The Vallco Shopping District Special Area shall be subject to the heights and densities shown above, with residential uses permitted in the Regional Shopping/Residential designation as shown in Figure LU-4.

#### Chapter 3, Page LU-18

4. Uses. Include a substantial viable, retail component. Retail and active uses such as restaurants, outdoor dining, and entries are required along the ground floor of main street frontages, and such uses are optional on the ground floor of residential buildings within the Regional Shopping/Residential designation. Mix of units for young professionals, couples and/or active seniors who like to live in an active “mixed-use village” environment. Office uses, if allowed, should provide active uses on the ground floor street frontage, including restaurants, cafes, entries, lobbies, etc.

#### Chapter 3, Pages LU-50 and LU-51

##### VALLCO SHOPPING DISTRICT SPECIAL AREA

The City envisions a complete redevelopment of the existing Vallco Fashion Mall into a vibrant mixed-use “town center” that is a focal point for regional visitors and the community. This new Vallco Shopping District will become a destination for shopping, dining and entertainment in the Santa Clara Valley.

#### POLICY LU-19.1: ALLOWED LAND USES

The following uses are allowed in the Vallco Shopping District Special Area (see Figure LU-2 for residential densities and criteria and Figure LU-4 for location of allowable land uses):

1. Residential: Permit residential and ground floor commercial development within the portion of the site designated for Regional Shopping/Residential uses in advance of creating a specific plan, at a maximum density of 35 dwelling units per acre and a minimum density of 29.7 dwelling units per acre by right, with maximum heights as shown in Figure LU-2. Limited ground floor commercial uses are permitted, but not required, in connection with residential development. Additional housing may be

considered on the site with the development of a Specific Plan and General Plan amendment as identified in Policy LU-19.3.

2. Non-Residential: Permit commercial uses consistent with the Regional Shopping/Residential and Regional Shopping designation. Maintain a minimum of 600,000 square feet of retail that provide a good source of sales tax for the City. Entertainment uses may be included but shall consist of no more than 30 percent of retail uses.

#### POLICY LU-19.2: DEVELOPMENT STANDARDS

New development within the Vallco Shopping District Special Area shall be required to comply with the following standards:

##### LU-19.2.1: “Town Center” Layout. (formerly LU-19.1.5)

Create streets and blocks laid out using “transect planning” (appropriate street and building types for each area), which includes a discernible center and edges, public space at center, high quality public realm, and land uses appropriate to the street and building typology. Private streets must be open to the sky. Connections between buildings are permitted at levels above the third floor for public serving uses or for limited walkways (no wider than 10 feet) which may be private.

##### LU-19.2.2: Existing Streets. (formerly LU-19.1.7)

Improve Stevens Creek Boulevard and Wolfe Road to become more bike and pedestrian-friendly with bike lanes, wide sidewalks, street trees, improved pedestrian intersections to accommodate the connections to ~~Rosebow~~ Nineteen800, and Main Street, and the surrounding areas.

##### LU-19.2.3: Tribal Coordination.

The City of Cupertino shall coordinate with applicable Native American tribal representatives following approval of development in the Vallco Shopping District Special Area to ensure appropriate cultural sensitivity training is provided to all contractors prior to the start of ground-disturbing activities.

#### POLICY ~~LU-19.1~~ LU-19.3: SPECIFIC PLAN

Create a Vallco Shopping District Specific Plan and a related General Plan amendment prior to any development on the site portion of the site with the Regional Shopping designation, which shall seek to provide substantial additional housing opportunities at the site, and that lays out the land uses, design standards and guidelines, and infrastructure improvements required. In order to allow a vibrant town center development, as part of the Specific Planning process



consider a General Plan amendment that would allow additional housing within the Vallco Shopping District, especially affordable to low, very low, and extremely low-income households and housing for persons with special needs, including developmental disabilities. The Specific Plan will be based on the following strategies:

STRATEGIES:

LU-19.3.1 LU-19.1.1: Master Developer.

Redevelopment of the portion of the site with the Regional Shopping designation pursuant to the specific plan will require a master developer in order to remove the obstacles to the development of a cohesive district with the highest levels of urban design.

LU-19.3.2 LU-19.1.2: Parcel Assembly.

Parcel assembly and a plan for complete redevelopment of the site is required prior to designating any additional area for residential uses pursuant to Policy LU-19.3 adding residential and office uses. Parcelization is highly discouraged in order to preserve the site for redevelopment in the future.

LU-19.3.3 LU-19.1.3: Complete Redevelopment.

The “town center” plan should be based on complete redevelopment of the site in order to ensure that the site can be planned to carry out the community vision.

LU-19.1.4: Land Use.

The following uses are allowed on the site (see Figure LU-2 for residential densities and criteria):

1. Retail: High performing retail, restaurant and entertainment uses. Maintain a minimum of 600,000 square feet of retail that provide a good source of sales tax for the City. Entertainment uses may be included but shall consist of no more than 30 percent of retail uses.
2. Hotel: Encourage a business class hotel with conference center and active uses including main entrances, lobbies, retail and restaurants on the ground floor.
3. Residential: Allow residential on upper floors with retail and active uses on the ground floor. Encourage a mix of units for young professionals, couples and/or active seniors who like to live in an active “town center” environment.

LU-19.1.5: “Town Center” Layout. (now LU-19.2.1)

Create streets and blocks laid out using “transect planning” (appropriate street and building types for each area), which includes a discernible center and edges, public space at center, high quality public realm, and land uses appropriate to the street and building typology.

LU-19.3.4 LU-19.1.6: Connectivity.

Provide a newly configured complete street grid hierarchy of streets, boulevards and alleys that is pedestrian-oriented, connects to existing streets, and creates walkable urban blocks for buildings and open space. It should also incorporate transit facilities, provide connections to other transit nodes and coordinate with the potential expansion of Wolfe Road bridge over Interstate 280 to continue the walkable, bikeable boulevard concept along Wolfe Road. The project should also contribute towards a study and improvements to a potential Interstate 280 trail along the drainage channel south of the freeway and provide pedestrian and bicycle connections from the project sites to the trail.

LU-19.1.7: Existing Streets. (Now LU-19.2.2)

~~Improve Stevens Creek Boulevard and Wolfe Road to become more bike and pedestrian-friendly with bike lanes, wide sidewalks, street trees, improved pedestrian intersections to accommodate the connections to Rosebowl and Main Street.~~

[Renumber LU-19.1.8 through LU-19.1.14 as LU-19.3.5 through LU-19.3.11.]

Appendix A, page A-6

**Regional Shopping:** This designation applies to the portions of the Vallco Shopping District Special Area that do not allow residential uses. This designation allows commercial uses that include retail sales, businesses, and service establishments with direct contact with customers. High-performing retail, restaurant and entertainment uses are permitted. Hotel uses are permitted, and a business class hotel with conference center and active uses including main entrances, lobbies, retail and restaurants on the ground floor is encouraged.

**Regional Shopping / Residential:** This designation applies to the portions of the Vallco Shopping District Special Area that allow residential uses. This designation allows residential development at a maximum density of 35 dwelling units per acre and a minimum density of 29.7 dwelling units per acre by right. Limited, supporting commercial uses that include retail sales, businesses, and service establishments with direct contact with customers on the ground level are permitted but not required. High-performing retail, restaurant and entertainment uses are permitted. The development may result in structures with up to five levels in residential only structures or up to six levels in structures that include ground-floor commercial uses with the heights indicated in Figure LU-1.

**Exhibit GPA-02B**

City of Cupertino Land Use Map

[Designate 13.1 acres of Vallco Site as Regional Shopping / Residential; designate the remainder of the site as Regional Shopping.]

[**Edit legend text:** Notwithstanding the densities shown above, sites are designated as Priority Housing Sites in the adopted Housing Element shall have the densities shown in the Housing Element as further defined in Figure LU-2 in the Land Use Element.]