

RESOLUTION NO. _____

A RESOLUTION OF THE CUPERTINO CITY COUNCIL
APPROVING AMENDMENTS TO THE GENERAL PLAN, INCLUDING
ADOPTION OF THE 2023-2031 HOUSING ELEMENT,
CHANGES TO THE GENERAL PLAN LAND USE MAP, AND OTHER
AMENDMENTS TO ALLOW IMPLEMENTATION OF THE HOUSING
ELEMENT AND MEET THE REQUIREMENTS OF STATE LAW

SECTION I: PROJECT DESCRIPTION

Application No: GPA-2022-001
Applicant: City of Cupertino
Location: Citywide/Various locations

SECTION II: RECITALS

WHEREAS, state law requires the City to prepare and adopt an updated Housing Element every eight years to accommodate its fair share of housing and identify housing needs, resources and opportunities;

WHEREAS, the City has been notified in December 2022 that the Regional Housing Needs Allocation for Cupertino is 4,588 units; and

WHEREAS, Chapter 4, Appendix A, and Appendix B have been prepared to address adoption of 6th Cycle (2023 – 2031) Housing Element; and

WHEREAS, Chapters 3, 5 and the General Plan Land Use Map have been amended to address implementation of the Housing Element; and

WHEREAS, the City entered into a Stipulated Judgement dated January 8, 2024 pursuant to a lawsuit related to adoption of the Housing Element which included requirements for coming into compliance with state housing element law and exempted the City from the California Environmental Quality Act (“CEQA”) pursuant to Government Code section 65759; and

WHEREAS, pursuant to Government Code 65759, the General Plan Amendment to adopt the Housing Element and associated amendments to the General Plan zoning is fully described and analyzed in the Environmental Assessment, which is incorporated into the General Plan as Appendix G; and

WHEREAS, the existing uses on the sites identified in the site inventory to accommodate the lower income RHNA are likely to be discontinued during the planning period, and therefore do not constitute an impediment to additional residential development during the period covered by the housing element based on a variety of factors as described more fully in the Housing Element, including but not limited to property owner interest in

redeveloping the site, age and condition of the structures on the property, vacant store fronts and/or, land to improvement values of the properties, apparent investments in the property.

WHEREAS, on April 29, 2024, the Planning Commission recommended on a 3-2 vote (No: Madhhipatla and Scharf) that the City Council adopt the General Plan Amendment (GPA-2022-001), in substantially similar form to the Resolution presented (Resolution No. 2024-005) with an amendment to eliminate APN: 359 08 029; and

WHEREAS, all necessary public notices having been given as required by the City of Cupertino Municipal Code and the Government Code, on May 14, 2024, the City Council held a public hearing to consider the General Plan Amendment; and

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

SECTION III: RESOLUTIONS

NOW, THEREFORE, BE IT 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:

1. Directs staff to make modifications to the draft Housing Element after adoption, but before final submittal to HCD, to eliminate APN: 359 08 029 and all references to it from Draft Appendix B-4 since the site is not counted toward the Regional Housing Needs Allocation (RHNA); and
2. Adopts amendments to the General Plan (Application No. GPA-2022-001), including amendments to Chapter 3 (Land Use and Community Character), Chapter 4 (Housing), and Chapter 5 (Mobility) and Appendices A (Land Use Definitions), and B (Housing Element Technical Report), and adoption of a new Appendix G (General Plan 2040 and Zoning Code Amendments Environmental Assessment) as shown in Exhibits GPA-1 – GPA-6, and as modified by #1 above, which is incorporated herein by reference as part of this resolution; and
3. Adopts changes to the Land Use Map as shown in Exhibit GPA-7, which is incorporated herein by reference as part of this resolution, to reflect the changes to the general plan land use designation, residential density - required minimum and maximum allowable, and allowable maximum heights of the parcels in the table on the following page, necessary to implement the Housing Element and to ensure internal consistency; and
4. Authorizes the staff to make any grammatical, typographical, numbering, and formatting changes in the amended Chapters, and any updates to figures in Chapter 2 (Planning Areas) to ensure internal consistency with the Land Use and Community Character Element, the General Plan Land Use Map, and the Housing Element, necessary to assist in production of the final published General Plan.

APN	Acres	Existing General Plan Designation	Existing Maximum Density (du/acre)	Existing Maximum Height (feet)	New General Plan Designation	Required Minimum Density	Amended Maximum Density (du/acre)	Amended Maximum Height (feet)
316 23 027	0.64	Commercial/Office/Residential	25	45	Residential - High/Very High Density	50.01	65	70
369 03 005	0.47	Commercial/Office/Residential	25	45	Residential - High/Very High Density	50.01	65	70
326 34 047	1.09	Commercial/Office/Residential	25	45	Residential - High/Very High Density	50.01	65	70
359 07 006	0.32	Commercial/Office/Residential	25	45	Residential - High/Very High Density	50.01	65	70
375 06 006	1.71	Commercial/Office/Residential	25	45	Residential - Very High Density	65.01	80	70
375 06 007	0.96	Commercial/Office/Residential	25	45	Residential - Very High Density	65.01	80	70
316 21 031	1.81	Commercial/Office/Residential	25	45	Residential - High/Very High Density	50.01	65	70
316 23 026	1.78	Commercial/Office/Residential	25	45	Residential - High/Very High Density	50.01	65	70
326 32 050	0.83	Commercial/Office/Residential	25	45	Residential - High/Very High Density	50.01	65	70
326 27 053	0.75	Transportation	0	0	Residential - High/Very High Density	50.01	65	70
323 36 018	0.42	Commercial / Residential	35	30	Residential - High/Very High Density	50.01	65	70
316 04 064	0.44	Res Low 1-5	5	30	Residential - Medium Density	10.01	20	No change
326 07 022	1.64	Commercial	15	30	Residential - Very High Density	65.01	80	70
326 07 030	0.92	Commercial	15	30	Residential - Very High Density	65.01	80	70
326 07 031	0.24	Commercial	15	30	Residential - Very High Density	65.01	80	70
326 07 036	1.74	Commercial	15	30	Residential - Very High Density	65.01	80	70
369 37 022	0.39	Medium (10-20 DU/Ac)	20	30	Residential - Very High Density	50.01	65	70
369 37 023	0.22	Medium (10-20 DU/Ac)	20	30	Residential - Medium Density	20.01	35	Multi-family – 60 Townhomes - 30

APN	Acres	Existing General Plan Designation	Existing Maximum Density (du/acre)	Existing Maximum Height (feet)	New General Plan Designation	Required Minimum Density	Amended Maximum Density (du/acre)	Amended Maximum Height (feet)
369 37 024	0.17	Medium (10-20 DU/Ac)	20	30	Residential - Medium Density	20.01	35	Multi-family – 60 Townhomes - 30
369 34 053	0.54	Commercial / Residential	15	30	Residential - Medium Density	20.01	35	Multi-family – 60 Townhomes - 30
359 18 044	0.26	Commercial / Residential	25	30	Residential - High/Very High Density	50.01	65	70
366 10 121	1.34	Commercial / Residential	15	30	Residential - Medium Density	20.01	35	Multi-family – 60 Townhomes – 30
366 10 137	0.92	Commercial / Residential	15	30	Residential - Medium Density	20.01	35	Multi-family – 60 Townhomes – 30
366 19 047	2.33	Commercial / Residential	15	30	Residential - High/Very High Density	50.01	65	70
366 19 078	0.08	Commercial / Residential	15	30	Residential - High/Very High Density	50.01	65	70
359 09 017	1.00	Commercial / Residential	25	30	Residential - High/Very High Density	50.01	65	70
316 20 088	5.16	Reg Shopping	0	60	Residential – High/Very High Density	50.01	65	70
359 13 019	0.99	Res Low 1-5	5	30	Residential - Medium Density	10.01	20	No change
356 06 001	0.73	Res Low 1-5	5	30	Residential – Medium/ High Density	20.01	35	No change
356 06 002	0.69	Res Low 1-5	5	30	Residential – Medium/ High Density	20.01	35	No change
356 06 003	0.25	Res Low 1-5	5	30	Residential – Medium/ High Density	20.01	35	No change
356 06 004	0.87	Res Low 1-5	5	30	Residential – Medium/ High Density	20.01	35	No change
N/A (Evulich Ct)	0.43	Transportation	0	30	Residential – Medium/ High Density	20.01	35	No change
362 31 001	0.25	Res Medium 10-20	20	30	Residential – Medium/ High Density	20.01	35	No change
362 31 030	0.23	Res Medium 10-20	20	30	Residential – Medium/ High Density	20.01	35	No change
326 20 034	1.34	Res Low 1-5	5	30	Residential – Low/ Medium	5.01	10	No change
316 23 093	1.35	Commercial/Office/ Residential	25	45	Commercial/Residential – High/Very High	50.01	65	70
316 23 036	0.24	Commercial/Office/ Residential	25	45	Commercial/Residential – High/Very High	50.01	65	70

APN	Acres	Existing General Plan Designation	Existing Maximum Density (du/acre)	Existing Maximum Height (feet)	New General Plan Designation	Required Minimum Density	Amended Maximum Density (du/acre)	Amended Maximum Height (feet)
369 06 002	0.9	Commercial/Office/Residential	25	45	Commercial/Residential – Very High	65.01	80	70
369 06 003	0.53	Commercial/Office/Residential	25	45	Commercial/Residential – Very High	65.01	80	70
369 06 004	1.29	Commercial/Office/Residential	25	45	Commercial/Residential – Very High	65.01	80	70
359 10 015	1.18	Commercial / Residential	25	30	Commercial/Residential – High/Very High	50.01	65	70
359 10 060	0.98	Commercial / Residential	25	30	Commercial/Residential – High/Very High	50.01	65	70
359 10 044	0.18	Commercial / Residential	25	30	Commercial/Residential – High/Very High	50.01	65	70
359 08 025	0.83	Commercial/Office/Residential	25	45	Commercial/Residential – High/Very High	50.01	65	70
359 08 026	0.45	Commercial/Office/Residential	25	45	Commercial/Residential – High/Very High	50.01	65	70
359 08 027	0.87	Commercial/Office/Residential	25	45	Commercial/Residential – High/Very High	50.01	65	70
359 08 028 ¹	0.85	Commercial/Office/Residential	25	45	Commercial/Residential – High/Very High	50.01	65	70
326 09 052	0.74	Commercial	35	45	Commercial/Residential – Very High	65.01	80	70
326 09 060	2.75	Commercial	35	45	Commercial/Residential – Very High	65.01	80	70
326 09 061	1.12	Commercial	35	45	Commercial/Residential – Very High	65.01	80	70
369 34 052	2.70	Commercial / Residential	15	30	Commercial/Residential – High/Very High	50.01	65	70
369 37 028	0.56	Commercial / Residential	25	30	Commercial/Residential – High/Very High	50.01	65	70
366 19 055	0.40	Commercial / Residential	15	30	Commercial/Residential – Medium/High	20.01	35	Multi-family – 60 Townhomes – 30
366 19 053	0.56	Commercial / Residential	15	30	Commercial/Residential – Medium/High	20.01	35	Multi-family – 60 Townhomes – 30

APN	Acres	Existing General Plan Designation	Existing Maximum Density (du/acre)	Existing Maximum Height (feet)	New General Plan Designation	Required Minimum Density	Amended Maximum Density (du/acre)	Amended Maximum Height (feet)
366 19 054	1.75	Commercial / Residential	15	30	Commercial/Residential – Medium/High	20.01	35	Multi-family – 60 Townhomes – 30
316 05 050	1.02	Commercial / Residential	25	60	Commercial/Residential – Very High	65.01	80	70
316 05 051	0.62	Commercial / Residential	25	60	Commercial/Residential – Very High	65.01	80	70
316 05 052	0.73	Commercial / Residential	25	60	Commercial/Residential – Very High	65.01	80	70
316 05 053	0.92	Commercial / Residential	25	60	Commercial/Residential – Very High	65.01	80	70
316 05 056	6.94	Commercial / Residential	25	60	Commercial/Residential – Very High	65.01	80	70
316 05 072	0.54	Commercial / Residential	25	60	Commercial/Residential – Very High	65.01	80	70
359 20 028 ²	0.75	Quasi-Public	0	30	Commercial/Residential – Medium/High	20.01	35	No change

¹ Land Use designation and residential density changed only for a 178 feet by 208 feet portion of this site on the western portion closest to Stevens Creek Boulevard as shown in Santa Clara County Assessor's Office's records Book 359 Page 8 (Revised 2022-2023).

² Land Use designation and residential density changed only for a 180.75 feet by 180.75 feet portion of the northwest corner of the site is rezoned as shown in Santa Clara County Assessor's Office's records Book 359 Page 20 (Revised 2022-2023). rezoned as shown in Santa Clara County Assessor's Office's records Book 359 Page 20 (Revised 2022-2023).

NOW, THEREFORE, BE IT FURTHER RESOLVED:

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

PASSED AND ADOPTED this 14th day of May 2024, at a Special Meeting of the City Council of the City of Cupertino, State of California, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> _____ Sheila Mohan, Mayor City of Cupertino	 _____ Date
<p>ATTEST:</p> _____ Kirsten Squarcia City Clerk	 _____ Date