

# Land Use Element

## GOAL LU-1

Create a balanced community with a mix of land uses that supports thriving businesses, all modes of transportation, complete neighborhoods, and a healthy community.

### LU-1.2.1: Planning Area Allocations POLICY LU-1.2: NON-RESIDENTIAL DEVELOPMENT ALLOCATION.

The City shall maintain non-residential development allocations, which are assigned for by various Planning Areas. However, some flexibility may be allowed for transferring non-residential allocations among between Planning Areas provided that no significant environmental impacts are identified beyond those already studied in the Environmental Impact Report (EIR) for Community Vision 2040.

### STRATEGIES:

**LU-1.2.1: Planning Area Allocations.** Maintain and update the non-residential development allocation table (Table LU-1) to ensure that the allocations for various land uses adequately meet City goals for economic vitality, financial stability, and placemaking.

**LU-1.2.2: Major Employers.** Reserve an office development allocation for major companies with sales offices and corporate headquarters in Cupertino. Prioritize expansion of office space for existing major companies. New office development must demonstrate that the development positively contributes to the fiscal well-being of the city.

**LU-1.2.3: Unused Non-Residential Development Allocation.** Unused non-residential development allocations may be re-assigned to the citywide allocation table per Planning Area, when development agreements and development permits expire.

**LU-1.2.4: Neighborhood Allocation.** ~~Allocate residential units in neighborhoods through the building permit process unless subdivision or development applications are required.~~

Table LU-1: Citywide <u>Non-Residential</u> Development Allocation Between 2014-2040												
	commercial (s.f.)			office (s.f.)			hotel (rooms)			residential (units)		
	current built (Oct 7,2014)	build out	available	current built (Oct 7,2014)	build out	available	current built (Oct 7,2014)	build out	available	current built (Oct 7,2014)	build out	available
Hear t of the	1,351,730	214,500	793,270	2,447,500	2,464,613	17,113	404	526	122	1,336	1,805	469

City													
Vallco Shopping District**	1,207,774	1,207,774	-	-	-	-	148	339	191	-	389	389	
Homestead	291,408	291,408	-	69,550	69,550	-	126	281*	155	600	750	150	
N. De Anza	56,708	56,708	-	2,081,021	2,081,021	-	126	126	-	49	146	97	
N. Vallco	133,147	133,147	-	3,069,676	3,069,676	-	123	308	185	554	1,154	600	
S. De Anza	352,283	352,283	-	130,708	130,708	-	315	315	-	6	6	-	
Bubb	-	-	-	444,753	444,753	-	-	-	-	-	-	-	
Monta Vista Village	94,051	99,698	5,647	443,140	456,735	13,595	-	-	-	828	878	50	
Other	144,964	144,964	-	119,896	119,896	-	-	-	-	18,039	18,166	127	
Major Employers	-	-	-	109,935	633,053	523,118	-	-	-	-	-	-	
Citywide	3,632,065	4,430,982	798,917	8,916,179	9,470,005	553,826	1,116	1,769	653	21,412	23,294	1,882	

**POLICY LU-1.3: LAND USE IN ALL CITYWIDE MIXED-USE DISTRICTS**

Encourage land uses that support the activity and character of mixed-use districts and economic goals.

**STRATEGIES:**

**LU-1.3.1: Commercial and Residential Uses.** Review the placement of commercial and residential uses based on the following criteria:

1. All mixed-use areas with commercial zoning will require retail as a substantial component. The North De Anza Special Area is an exception.
2. All mixed-use residential projects ~~should be designed on~~ shall comply with the “mixed-use village” concept discussed ~~earlier~~ later in this Element.
3. On sites with a mixed-use residential designation, residential densities are established in Figure LU-2 with specifics in by the land use map, where required, with land use designations defined in Appendix A ~~is a permitted use only on Housing Element sites and in the Monta Vista Village Special Area.~~
4. ~~Conditional use permits will be required on mixed use Housing Element sites that~~

~~propose units above the allocation in the Housing Element, and on non-Housing Element mixed-use sites. 100% residential development is allowed on mixed-use sites, if at least 40% of the total units are affordable, including at least 20% of the total units affordable to lower income households.~~

## Figure LU-2: Community Form Diagram

*Edits at end of Exhibit GPA-1.1*

### Mixed-Use Urban Villages

Many of the City's ~~Priority Housing Element~~ Sites are located ~~along~~ major corridors to reduce traffic and environmental impacts and preserve neighborhoods (Figure LU-2).

~~Priority Housing Element~~ Sites, which are further identified and defined in the Housing Element, represent the City's priority for residential development. Residential uses on sites with mixed-use zoning ~~shall~~ ~~should be designed on~~ comply with the "mixed-use village" concept discussed below.

4. Uses. ~~Include a substantial viable, retail component.~~ Uses shall be consistent with the underlying land use district as defined by Land Use Definitions (Appendix A). Retail and active uses such as restaurants, outdoor dining, and features like 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.~~ Live/work units shall be oriented with active commercial, or office uses along the street frontage with the residential component of the unit located behind or above the commercial or office space. Developments are encouraged to provide ~~a~~ M mix of unit types for households of varying income levels and household types, including, but not limited to, young professionals, couples, families, and/or active seniors ~~who like to live to~~ allow housing choices in an active "mixed-use village" environment. Office uses, if allowed, ~~should~~ must provide active uses on the ground floor street frontage, including restaurants, cafes, entries, lobbies, etc.

### Neighborhood Commercial Centers

Neighborhood Commercial Centers serve adjacent neighborhoods and provide shopping and gathering places for residents... ~~Housing Element sites represent the City's priority for residential development.~~ Residential uses ~~should be~~ shall comply with ~~designed on~~ the "mixed-use village" concept discussed in this Element.

### GOAL LU-3

Ensure that project site planning and building design enhance the public realm through a high sense of identity and connectivity.

### POLICY LU-3.3: BUILDING DESIGN

Ensure that building layouts and design are compatible with the surrounding environment and enhance the streetscape and pedestrian activity.

#### STRATEGIES:

~~Strategy LU-3.3.4: Compatibility. Ensure that the floor area ratios of multi-family residential developments are compatible with buildings in the surrounding area. Include a mix of unit types and avoid excessively large units.~~

**LU-3.3.45: Building Location.** Encourage building location and entries closer to the street while meeting appropriate landscaping and setback requirements.

**LU-3.3.56: Architecture and Articulation.** Promote high-quality architecture, appropriate building articulation and use of special materials and architectural detailing to enhance visual interest.

**LU-3.3.67: Street Interface.** Ensure that development enhances pedestrian activity by providing active uses within mixed-use areas and appropriate design features within residential areas along a majority of the building frontage facing the street. Mixed-use development should include retail, restaurant, outdoor dining, main entries, etc. Residential development should include main entrances, lobbies, front stoops and porches, open space, and other similar features.

**LU-3.3.78. Drive-up Services.** Allow drive-up service facilities only when adequate circulation, parking, noise control, architectural features, and landscaping are compatible with the expectations of the Planning Area, and when residential areas are visually buffered. Prohibit drive-up services in areas where they conflict with pedestrian oriented activity and design are ~~highly encouraged~~, such as Heart of the City, North De Anza Boulevard, Monta Vista Village, and neighborhood centers.

**LU-3.3.89: Specific and Conceptual Plans.** Maintain and update Specific/Conceptual plans and design guidelines for Special Areas such as Heart of the City, Crossroads, Homestead Corridor, Vallco Shopping District, North and South De Anza corridors, and Monta Vista Village.

**LU-3.3.910: Entrances.** In multi-family projects where residential uses ~~may~~ front on streets, require pedestrian-scaled elements such as entries, stoops, and porches along the street.

**LU-3.3.101: Multiple-Story Buildings Taller Than 30 Feet and in Residential Districts Neighborhoods.** Allow construction of ~~multiple-story buildings~~ buildings taller than 30 feet in Neighborhoods only if the buildings abut an arterial or major collector or

~~if allowed by State law, it is found that nearby residential districts will not suffer from privacy intrusion or be overwhelmed by the scale of a building or group of buildings.~~

#### POLICY LU-3.5: LIGHT POLLUTION

Reduce light pollution and other adverse effects associated with night lighting from streets and urban uses.

#### STRATEGIES:

**LU-3.5.1: Dark Sky Ordinance.** Maintain Glass and Lighting Standards in the City's Municipal Code and require new development and other applicable projects to comply with the adopted ordinance standards, which provide Dark Sky regulations to reduce light pollution.

#### POLICY LU-3.6: BIRD SAFETY

Enhance bird safety and reduce bird mortality from windows, other glass features, and certain lighting elements that are known to increase the risk of bird collisions.

#### STRATEGIES:

**LU-3.6.2: Bird Safe Design Ordinance.** Maintain Glass and Lighting Standards in the City's Municipal Code and require new development and other applicable projects to comply with the adopted ordinance standards, which provide Bird Safe Design regulations to reduce the potential risk of bird collisions.

#### GOAL LU-4

Promote the unique character of planning areas and the goals for community character, connectivity, and complete streets in streetscape design.

#### POLICY LU-4.1: STREET AND SIDEWALKS

Ensure that the design of streets, sidewalks, and pedestrian and bicycle amenities are consistent with the vision for each Planning Area and Complete Streets policies.

#### STRATEGIES:

**LU-4.1.1. Streetscape Improvements.** Retain, and require implementation of sidewalk and streetscape design standards established in any approved Specific Plan, Concept Plan, Zoning, or other area plans.

#### GOAL LU-8

Maintain a fiscally sustainable city government that preserves and enhances the quality of life for its residents, workers, and visitors.

#### POLICY LU-8.3: INCENTIVES FOR REINVESTMENT

Provide incentives for reinvestment in existing, older commercial areas.

## STRATEGIES:

**LU-8.3.3. Infrastructure and Streetscape Improvements.** ~~Consider~~ Improve infrastructure and streetscape improvements in areas, such as the Crossroads or South Vallco area to encourage redevelopment as a pedestrian-oriented area that meets community design goals.

## GOAL LU-12

Preserve and protect the City's hillside natural habitat and aesthetic values.

## POLICY LU-12.5: DEVELOPMENT IN THE COUNTY JURISDICTION

Development in the County, particularly if located near Cupertino's hillsides and urban fringe area, should consider the goals and policies in Community Vision 2040.

## STRATEGIES:

**LU-12.5.1. County Development.** ~~Require~~ Development in these areas ~~should be compatible to comply~~ with Cupertino's hillside policies of low-intensity residential, agricultural or open space uses, ~~and to preserve.~~ Preservation of the natural environment ~~through~~ clustering development sites to minimize impact and dedication of open space ~~are encouraged.~~ Visual impacts, access, traffic and other impacts, and service demands ~~should~~ shall be assessed in consultation with Cupertino's goals and policies.

## PLANNING AREA GOALS AND POLICIES

As outlined in the Planning Areas chapter, Community Vision 2040 organizes the city into 21 distinct Planning Areas, divided into two categories: (1) Special Areas that are expected to transition over the life of the General Plan and (2) Neighborhoods where future changes are expected to be minimal. The following goals, policies, and strategies are specific to the Planning Areas and provide guidance for future change in accordance with the community vision. Figure LU-2 shows maximum heights and residential densities allowed in each Special Area. Certain sites may be allowed a different maximum height or maximum, and minimum, density as identified in Resolution 24-XXXX.

## GOAL LU-16

Maintain a mixed-use and civic district that will enhance community identity and activity, and support the crossroads subarea.

## POLICY LU-16.1: CITY CENTER NODE.

~~Establish~~ Maintain the City Center Node as a moderately-scaled, ~~medium-density~~ mixed-use office, hotel, retail and residential area, with an integrated network of streets and open space.

## GOAL LU-19

Create a distinct and memorable mixed-use "town center" that is a regional destination and a focal point for the community.

### 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 in the Regional Shopping/Residential portion of the Special Area. Residential uses are permitted within the portion of the sites designated for Residential – High/Very High Density uses, at a maximum density of 65 dwelling units per acre and a minimum density of 50.01 dwelling units per acre, with a maximum height of 70 feet.

### Figure LU-4: Vallco Shopping District Allowable Uses

*Edits at end of Exhibit GPA-1.1*

## GOAL LU-20

Support a sustainable campus-like environment that is served by a mix of pedestrian-oriented retail and commercial uses in a walkable and bikeable environment.

### POLICY LU-20.2. STREETScape AND CONNECTIVITY.

Future roadway improvements on Wolfe Road, Homestead Road and Tantau Avenue ~~should~~ shall be coordinated with planned improvements to improve pedestrian, bike and transit connections. Streetscape improvements will enhance the pedestrian environment with street trees, attractive bus shelters and street furniture. The campus site ~~should~~ shall continue to provide an attractive landscaped edge along the street. Future improvements to the Wolfe Road bridge should be coordinated to preserve the vision for this area.

## GOAL LU-25

Retain and enhance Monta Vista Village's ~~small town~~ village-like character as a pedestrian oriented, small scale, mixed-use residential, neighborhood commercial and industrial area.

### POLICY LU- 25.2. LAND USE.

~~Encourage~~ Require the commercial district to serve as a neighborhood commercial center

for Monta Vista Village and its adjoining neighborhoods. Mixed-use with residential is encouraged. The industrial area should be retained to provide small-scale light industrial and service industrial opportunities, while remaining compatible with the surrounding residential and commercial uses. See General Plan Figure LU- 2 for residential densities and criteria.

#### GOAL LU-26

Retain commercial areas adjacent to neighborhoods and retrofit or encourage redevelopment as neighborhood centers in a pedestrian-oriented and bike-friendly environment.

#### POLICY LU-26.2: BUILDING AND SITE DESIGN (FOR OTHER NON-RESIDENTIAL/MIXED-USE SPECIAL AREAS)

~~Encourage~~ Require buildings to be designed in a pedestrian-oriented format. Buildings ~~should~~ shall be located along the street with pedestrian-scale architecture and retail and active uses on the ground floor. Parking ~~should~~ shall be located to the sides or rear of buildings. ~~Buildings may be one to two stories in height. In some instances where taller heights are as allowed, buildings may be three stories in height, unless otherwise specified by Figure LU-2 and/or the Land Use Map, with one to two story heights preferred closest to lower density residential uses.~~

#### GOAL LU-27

Preserve neighborhood character and enhance connectivity to nearby services to create complete neighborhoods.

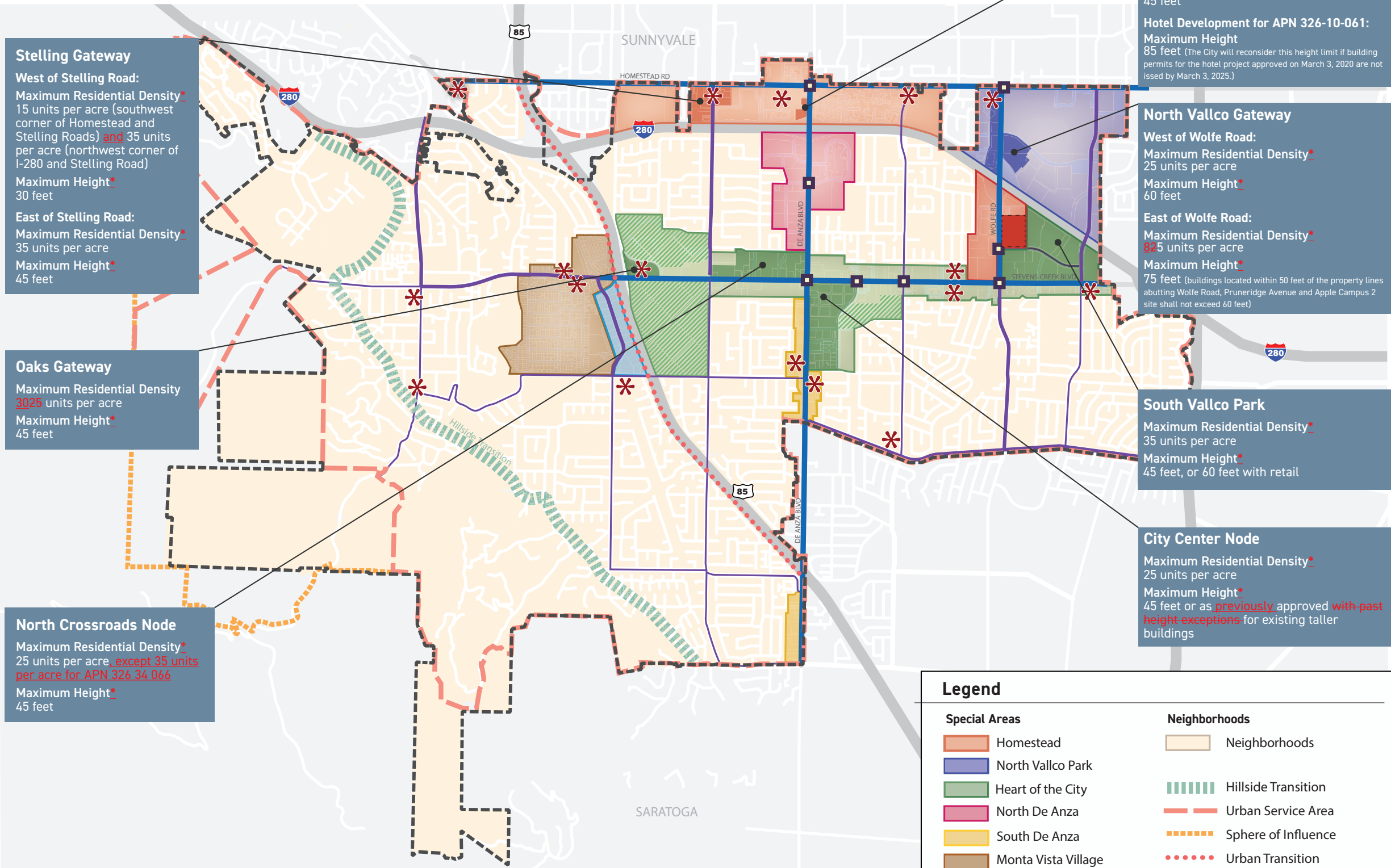
#### POLICY LU-27.6: MULTI-FAMILY RESIDENTIAL DESIGN

Maintain an attractive, livable environment for multi-family dwellings.

~~**LU-27.6.2: Ordinance Updates.** Update the Planned Development (residential) and R-3 ordinances to achieve the policies and strategies applicable to multi-family development in neighborhoods.~~



# Figure LU-2 COMMUNITY FORM DIAGRAM



**Stelling Gateway**

**West of Stelling Road:**  
Maximum Residential Density 15 units per acre (southwest corner of Homestead and Stelling Roads) and 35 units per acre (northwest corner of I-280 and Stelling Road)  
Maximum Height 30 feet

**East of Stelling Road:**  
Maximum Residential Density 35 units per acre  
Maximum Height 45 feet

**Oaks Gateway**

Maximum Residential Density 30-25 units per acre  
Maximum Height 45 feet

**North Crossroads Node**

Maximum Residential Density 25 units per acre, **except 35 units per acre for APN 326 34 066**  
Maximum Height 45 feet

**North De Anza Gateway**

Maximum Residential Density 35 units per acre  
Maximum Height 45 feet

**Hotel Development for APN 326-10-061:**  
Maximum Height 85 feet (The City will reconsider this height limit if building permits for the hotel project approved on March 3, 2020 are not issued by March 3, 2025.)

**North Vallco Gateway**

**West of Wolfe Road:**  
Maximum Residential Density 25 units per acre  
Maximum Height 60 feet

**East of Wolfe Road:**  
Maximum Residential Density 8-25 units per acre  
Maximum Height 75 feet (buildings located within 50 feet of the property lines abutting Wolfe Road, Pruneridge Avenue and Apple Campus 2 site shall not exceed 60 feet)

**South Vallco Park**

Maximum Residential Density 35 units per acre  
Maximum Height 45 feet, or 60 feet with retail

**City Center Node**

Maximum Residential Density 25 units per acre  
Maximum Height 45 feet or as **previously approved with past height exceptions** for existing taller buildings

**Homestead Special Area**

**Maximum Residential Density\*** 15 units per acre (two parcels at southeast corner of Homestead Road and Blaney Avenue)  
**Maximum Height\*** 30 feet, or 45 feet (south side between De Anza and Stelling)

All other areas - Maximum density as indicated in the General Plan Land Use Map or 35 units per acre where none indicated.

**North Vallco Park Special Area**

**Maximum Residential Density\*** 25 units per acre, **or as indicated in North Vallco Gateway**  
**Maximum Height\*** 60 feet

**Heart of the City Special Area**

**Maximum Residential Density\*** South Vallco - 35 units per acre  
All other areas - Maximum density as indicated in **each subarea the Heart of the City Land Use Map** and, if none indicated, 25 units per acre  
**Maximum Height\*** 45 feet, or 30 feet where designated by hatched line

**North De Anza Special Area**

**Maximum Residential Density\*** **Maximum density is 25 units per acre**  
**Maximum Height\*** 45 feet

**South De Anza Special Area**

**Maximum Residential Density\*** North of Bollinger Rd. - **maximum density is 25 units per acre**  
South of HWY 85 - **maximum residential is 5-15 units per acre**  
**Maximum Height\*** 30 feet

**Monta Vista Village Special Area**

**Maximum Residential Density\*** Maximum density as indicated in the General Plan Land Use Map, and if none indicated, 15 units per acre  
**Maximum Height\*** 30 feet

**Bubb Road Special Area**

**Maximum Residential Density** 20 units per acre  
**Maximum Height** 45 feet

**Vallco Shopping District Special Area**

**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\*** Up to 60 feet

**Regional Shopping**  
**Maximum Residential Density** N/A - residential is not a permitted use  
**Maximum Height\*** Up to 60 feet  
**Residential - High/Very High**  
**Maximum Residential Density\*** 65 units per acre in areas  
**Maximum Height\*** Up to 70 feet

**Neighborhoods**

**Maximum Residential Density\*** Maximum density as indicated in the General Plan Land Use Map; 15 units per acre for Neighborhood Commercial Centers  
**Maximum Height\*** 30 feet

**Legend**

<b>Special Areas</b>	<b>Neighborhoods</b>
Homestead	Neighborhoods
North Vallco Park	Hillside Transition
Heart of the City	Urban Service Area
North De Anza	Sphere of Influence
South De Anza	Urban Transition
Monta Vista Village	City Boundary
Bubb Road	Boulevards (Arterials)
Vallco Shopping District	Avenues (Major Collectors)
	Avenues (Minor Collectors)
	Key Intersections
	Neighborhood Centers

**\*Density and Height:** Unless a different minimum and maximum density and/or height is established through Resolution 24-XXXX, 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 and Residential High/Very High Density designation as shown in Figure LU-4.

**Building Planes (does not apply to housing development projects on sites listed in Resolution 24-XXXX):**

- Maintain the building 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: Where slope lines or other applicable height and setback limits for projects adjacent to residential areas are not established in a specific plan, conceptual zoning plan or land use plan and in any adopted design guidelines, project review shall be required.
- For projects within the Vallco Shopping District Special Area that are adjacent to the North Blaney/Portal neighborhood: Maintain the building below a 2:1 slope line drawn from the adjacent residential property line.

- For the North and South Vallco Park areas: Maintain the building 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.
- Parcel APN 326-10-061 within the N. De Anza Gateway: For hotel development, maintain the building below the variable slope lines as shown in Figure LU-5. For all other developments, the 1:1 slope line shall be maintained.

**Rooftop Mechanical Equipment:** Rooftop mechanical equipment and utility structures may exceed stipulated height limitations if they are enclosed, centrally located on the roof and not visible from adjacent streets.

**Priority Housing Sites:** Notwithstanding the heights and densities shown above, the maximum heights and densities for Priority Housing Sites 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.

Figure LU-4: Vallco Shopping District Allowable Land Uses

