

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
ADOPTING A SECOND ADDENDUM TO THE ENVIRONMENTAL IMPACT
REPORT FOR THE 2014 GENERAL PLAN AMENDMENT, HOUSING
ELEMENT UPDATE, AND ASSOCIATED REZONING PROJECT

SECTION I: PROJECT DESCRIPTION

Application No: GPA-2019-01, GPA-2019-02, MCA-2019-01, Z-2019-01

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, the City Council is considering General Plan Amendments and associated Zoning Ordinance Amendments relating to the Vallco Shopping District Special Area; and

WHEREAS, pursuant to the provisions of 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"), the City prepared a Final Environmental Impact Report (Final EIR") for the General Plan Amendment, Housing Element Update, and Associated Rezoning Project (State Clearinghouse No. 2014032007), which was a program EIR prepared in compliance with California Environmental Quality Act Guidelines Section 15168; and

WHEREAS, the City Council certified the Final EIR on December 4, 2014 , approved the General Plan Amendments and Associated Rezoning on December 4, 2014 and December 16, 2014, respectively, approved the Housing Element Update on May 19, 2015, and approved modifications to the text and figures of the General Plan on October 20, 2015 following adoption of an Addendum (together, the "Project"); and

WHEREAS, since certification of the Final EIR, the City has proposed modifications to the Project for the Vallco Shopping District Special Area consisting of amendments to the

General Plan to reflect that office uses are not permitted within the Vallco Shopping District Special Area and remove the associated office development allocation, set height limits for the area, and make other conforming/clarifying text edits to create density standards to permit up to 458 units with a minimum density of 29.7 units per acre (389 units) and a maximum density of 35 units per acre on designated parcels totaling 13.1 acres within the Vallco Shopping District Special Area; amendments to the Zoning Map to rezone the 13.1 acres of Vallco Shopping District Special Area to Mixed Use Planned Development with Multifamily (R3) Residential and General Commercial zoning (P(R3,CG)) and the remainder of the Special Area to General Commercial; and amendments to Municipal Code Title 19 to remove references to the former Vallco Town Center Specific Plan and identify development standards for the new P(R3,CG) zoning designation in Chapter 19.80; and

WHEREAS, the proposed modifications will not result in any of the conditions requiring preparation of a subsequent EIR as described in Public Resources Code Section 21166 and CEQA Guidelines Section 15162; and

WHEREAS, the City has caused to be prepared a Second Addendum to the Final EIR pursuant to CEQA Guidelines Section 15164; and

WHEREAS, the Second Addendum provides analysis and cites substantial evidence that supports the conclusion that no subsequent environmental review is required because there are no substantial changes in the Project or the circumstances under which the Project is to be undertaken that would result in new or substantially more severe environmental impacts requiring major revisions to the Final EIR, and there is no new information that involves new significant environmental effects or a substantial increase in the severity of previously identified environmental effects that would require preparation of a subsequent EIR pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162; 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 Second Addendum and adopted Resolution No. [###] recommending that the City Council adopt the Second Addendum to the Final EIR; and

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

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 modifications to the Project.

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 takes the following actions:

1. Determines that the Second Addendum reflects the independent judgment of the City.
2. Adopts the Second Addendum to the Final EIR for the modifications to the Vallco Shopping District Special Area consisting of amendments to the General Plan, Zoning Map and Municipal Code Title 19.

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 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:

Grace Schmidt
City Clerk

Steven Scharf
Mayor, City of Cupertino