

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014
RESOLUTION NO. 6763

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF CUPERTINO RECOMMENDING APPROVAL OF REZONING FOR
CERTAIN SITES IN THE CITY FOR CONFORMANCE WITH
THE GENERAL PLAN AND HOUSING ELEMENT

The Planning Commission recommends approval of the rezoning to the City of Cupertino Municipal Code with the findings reflected in the Draft Ordinance attached hereto as Exhibit Z.

PASSED AND ADOPTED this ____ day of October 2014, at a Regular Meeting of the Planning Commission of the City of Cupertino by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Aarti Shrivastava
Assistant City Manager

Paul Brophy, Chair
Planning Commission

ORDINANCE NO. 14-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CUPERTINO REZONING CERTAIN SITES IN THE CITY FOR
CONFORMANCE WITH GENERAL PLAN AND HOUSING ELEMENT**

SECTION I: PROJECT DESCRIPTION

Application No: Z-2013-03
Applicant: City of Cupertino
Location: Citywide

SECTION II: RECITALS

WHEREAS pursuant to City Council direction to initiate a project to replenish, reallocate and increase citywide development allocations in order to plan for anticipated future development activity while keeping with the community's character, goals, and objectives and to consolidate development requests by several property owners for amendments to the General Plan, under a comprehensive community vision, and

WHEREAS, pursuant to State Housing Law, the City Council has directed staff to update the Housing Element of the General Plan and make associated zoning amendments to comply with State Law; and

WHEREAS, immediately prior to the Council's consideration of this rezoning, and following the Commission's recommendation, the Council adopted Resolution No. XXX, adopting a General Plan Amendment covering the properties which are the subject of this rezoning ordinance; and

WHEREAS, the rezoning will be consistent with the City's General Plan land use map, proposed uses and surrounding uses; and

WHEREAS, the Rezoning application is part of the General Plan Amendment, Housing Element Update and Associated Rezoning, all as fully described and analyzed in the June 2014 General Plan Amendment, Housing Element Update, and Associated Rezoning Project Environmental Impact Report ("Draft EIR") (State Clearinghouse No. 2014032007), as amended by text revisions in the August 2014 General Plan Amendment, Housing Element Update and Associated Rezoning Project EIR Response to Comments Document ("Response to Comments Document") and the Supplemental Text Revisions dated October 8, 2014 (together, the "Final EIR");

WHEREAS, the Final EIR was presented to the Planning Commission on September 9, 2014 at a Planning Commission Study Session; and

WHEREAS, the Final EIR was presented to the City Council on October 7, 2014 at a City Council Study Session; and

WHEREAS, the necessary public notices have been given and the Planning Commission held one public hearing on October 14, 2014;

WHEREAS, based on substantial evidence in the administrative record, on October 14, 2014 the Planning Commission recommended that the City Council certify that the Final EIR has been completed in compliance with the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*, and reflects the independent judgment and analysis of the City, adopt the Findings and Statement of Overriding Considerations, and implement all of the mitigation measures for the Project that are within the responsibility and jurisdiction of the City that are identified in Findings, in substantially similar form to the Resolution presented (Resolution 6760); and

WHEREAS, on October 14, 2014, the Planning Commission recommended on a X-X vote that the City Council adopt the General Plan Amendment (GPA-2013-01), in substantially similar form to the Resolution presented (Resolution no. 6761); authorize staff to forward the Draft Housing Element to the State Department of Housing and Community Development for review and certification (GPA-2013-02); approve the prioritized list of potential Housing Element sites in the event amendments are needed to the proposed Housing Element sites upon HCD review, in substantially similar form to the Resolution presented (Resolution no. 6762); approve the Zoning Map Amendments, Z-2013-03, in substantially similar form to the Resolution presented (Resolution no. 6763); approve the Municipal Code Amendments to make changes to conform to the General Plan and Housing Element and other clean up text edits (MCA-2014-01) in substantially similar form to the Resolution presented (Resolution no. 6764); approve the Specific Plan Amendments (SPA-2014-01) in substantially similar form to the Resolution presented (Resolution no. 6765); and

WHEREAS, upon due notice, the City Council has held at least one public hearing that the amendment to the Zoning map be granted and on the rest of the project approvals on November 3, 2014; and

WHEREAS, after consideration of evidence contained in the entire administrative record, at the public hearing on November 3, 2014, the City Council adopted Resolution No. 14-XX certifying the EIR, adopting Findings and a Statement of Overriding Considerations, adopting Mitigation Measures, and adopting of a Mitigation Monitoring and Reporting Program.

WHEREAS, the City Council finds the following:

1. That the proposed zoning is in accord with the Municipal Code and the City's Community Vision 2040

The proposed zoning is in conformance with the General Plan since the City Council adopted amendments to the General Plan. These changes are mere conforming changes to make the City's zoning map conform to the land use. Additionally, many of the changes are to property that the City acquired and reflect the zoning designation prior to acquisition by the City.

2. The proposed zoning is in compliance with the provisions of the California Environmental Quality Act (CEQA).

As set out more fully in the City of Cupertino City Council resolution certifying that the Final Environmental Impact Report ("Final EIR") for the General Plan Amendment, Housing Element

Update, and Associated Rezoning for the City of Cupertino (the “project”) was prepared in compliance with CEQA; and Adopting CEQA Findings and a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program; the significant environmental effects of the project have been fully analyzed and disclosed in compliance with CEQA. All mitigation measures identified in the Final EIR have been adopted and incorporated into the project to reduce the impacts of new development to the extent feasible.

3. The site is physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s).

The sites being rezoned have access to utilities and are compatible with adjoining land uses.

4. The proposed zoning will promote orderly development of the City.

The sites being rezoned will promote orderly development in the City by allowing similar land uses to be located compatibly. They also allow the easier applicability of zoning regulations. In some cases, zoning such as “Mini-storage” is being eliminated to allow the Light Industrial “ML” standards to be applicable to the current use at the site.

5. That the proposed zoning is not detrimental to the health, safety, peace, morals and general welfare of persons residing or working in the neighborhood of subject parcels.

The proposed zoning is not detrimental to the health, safety, peace, morals and general welfare since these are conforming changes. Additionally, where health or safety impacts have been identified mitigation measures have been identified which would be applicable to any development on these sites.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

That after careful consideration of the, maps, facts, exhibits, testimony, public comment, and other evidence submitted in this matter, the City Council based upon the findings described above, the public hearing record and subject to the following, finds:

Section 1. That the property described in attached Exhibits Z-1 and Z-2 have a zoning designation as that shown and is incorporated into the Master Zoning Map (Exhibit Z-4) of the City of Cupertino; and

Section 2. That the sites described in attached Exhibit Z-3 have a certain density if the property is shown in Table HE-5 of the adopted 2014-2022 Housing Element as a Priority Housing Site, or an alternative density if the property is not designated as a Priority Housing Site in the adopted 2014-2022 Housing Element, all as shown in Exhibit Z-3; and

Section 3. That the property described in attached Exhibits Z-4a – Z-4f is the Zoning for the properties in each of the Planning Special Areas identified in the General Plan and the Master Zoning Map.

Section 4. This Ordinance shall be effective April 30, 2015 or the date that the Final Housing Element for the City of Cupertino is adopted, whichever is earlier.

SECTION III: CEQA REVIEW

An Environmental Impact Report for the Subdivision was prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq.*

INTRODUCED at a regular meeting of the Cupertino City Council the ____ day of _____ 2014 and **ENACTED** at a regular meeting of the Cupertino City Council on this ____ day of _____ 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Grace Schmidt, City Clerk

APPROVED:

Gilbert Wong, Mayor, City of
Cupertino

EXHIBIT Z-1

Assessor Parcel No.	Existing Zoning	New Zoning
316-43-008	P(R2, Mini-storage)	P(R2)
316-43-009	P(R2, Mini-storage)	P(R2, ML)
326-06-050	P(BQ, Mini-storage)	P(BQ, ML)
326-15-110	R2-4.5	R3
326-15-111	R2-4.5	R3
326-15-108	R2-4.5	R3
326-15-073	R2-4.5	R3
326-49-036	R1	PR
359-25-049	R1-6	PR
357-20-027	ML-rc	P(CN)
326-09-071	R3	PR
357-06-019	R1-7.5	PR
357-07-029	R1-7.5	PR
357-06-014	R1-10	PR
326-32-012	R2	R3
326-32-009	R2	R3
326-17-004	R1-10	PR
357-09-053	A	PR
357-11-029	R1C	PR
326-10-055	P(Res 10-20, Mini-storage)	P(Res 10-20, ML)
326-58-001 to 326-58-024	P(Res 10-20, Mini-storage)	P(Res-10-20)
326-58-052 to 326-58-123	P(Res 10-20, Mini-storage)	P(Res-10-20)
326-36-019	A1-43	BQ
Property shown on Exhibit Z-2	P(MP)	P(Res)

LEGEND

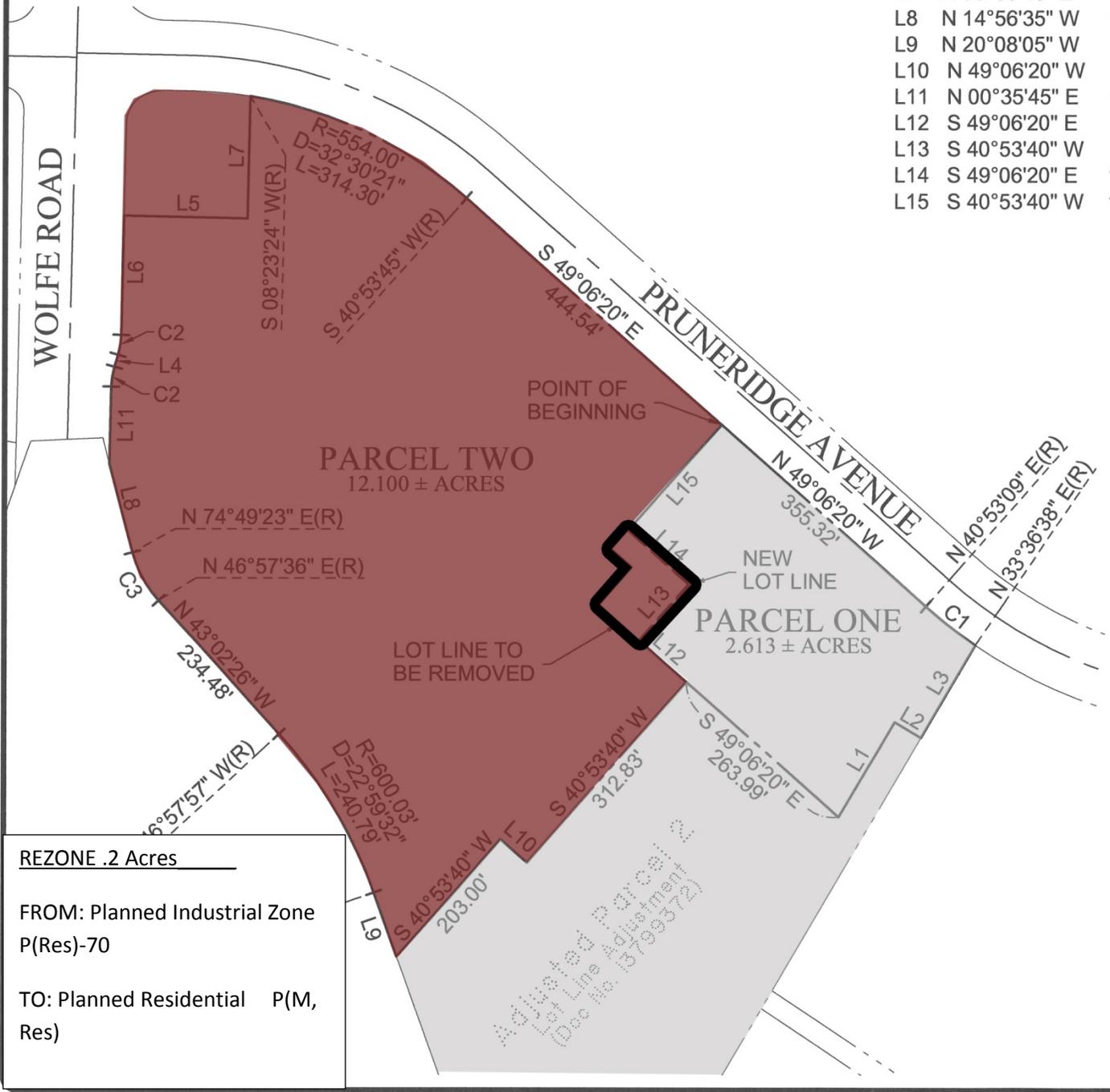
- Planned Development/ Residential
P(Res)-70
- Planned Development/ Planned
Industrial Zone P(MP, Res)
- Conformance Site

CURVE TABLE:

CURVE	RADIUS	DELTA	LENGTH
C1	646.00'	07°16'31"	82.03'
C2	100.00'	15°00'00"	26.18'
C3	147.01'	27°51'47"	71.49'

LINE TABLE:

LINE	BEARING	DISTANCE
L1	N 30°00'28" E	143.22'
L2	S 59°59'32" E	40.00'
L3	N 30°00'28" E	139.51'
L4	N 15°35'45" E	16.17'
L5	S 89°24'15" E	161.00'
L6	N 00°35'45" E	154.98'
L7	N 00°35'45" E	158.86'
L8	N 14°56'35" W	119.09'
L9	N 20°08'05" W	88.23'
L10	N 49°06'20" W	46.01'
L11	N 00°35'45" E	100.00'
L12	S 49°06'20" E	79.75'
L13	S 40°53'40" W	99.00'
L14	S 49°06'20" E	107.50'
L15	S 40°53'40" W	181.00'



REZONE .2 Acres

FROM: Planned Industrial Zone
P(Res)-70

TO: Planned Residential P(M,
Res)

**PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR: LOT LINE ADJUSTMENT (AFTER)**

CUPERTINO

CALIFORNIA

EXHIBIT "A"

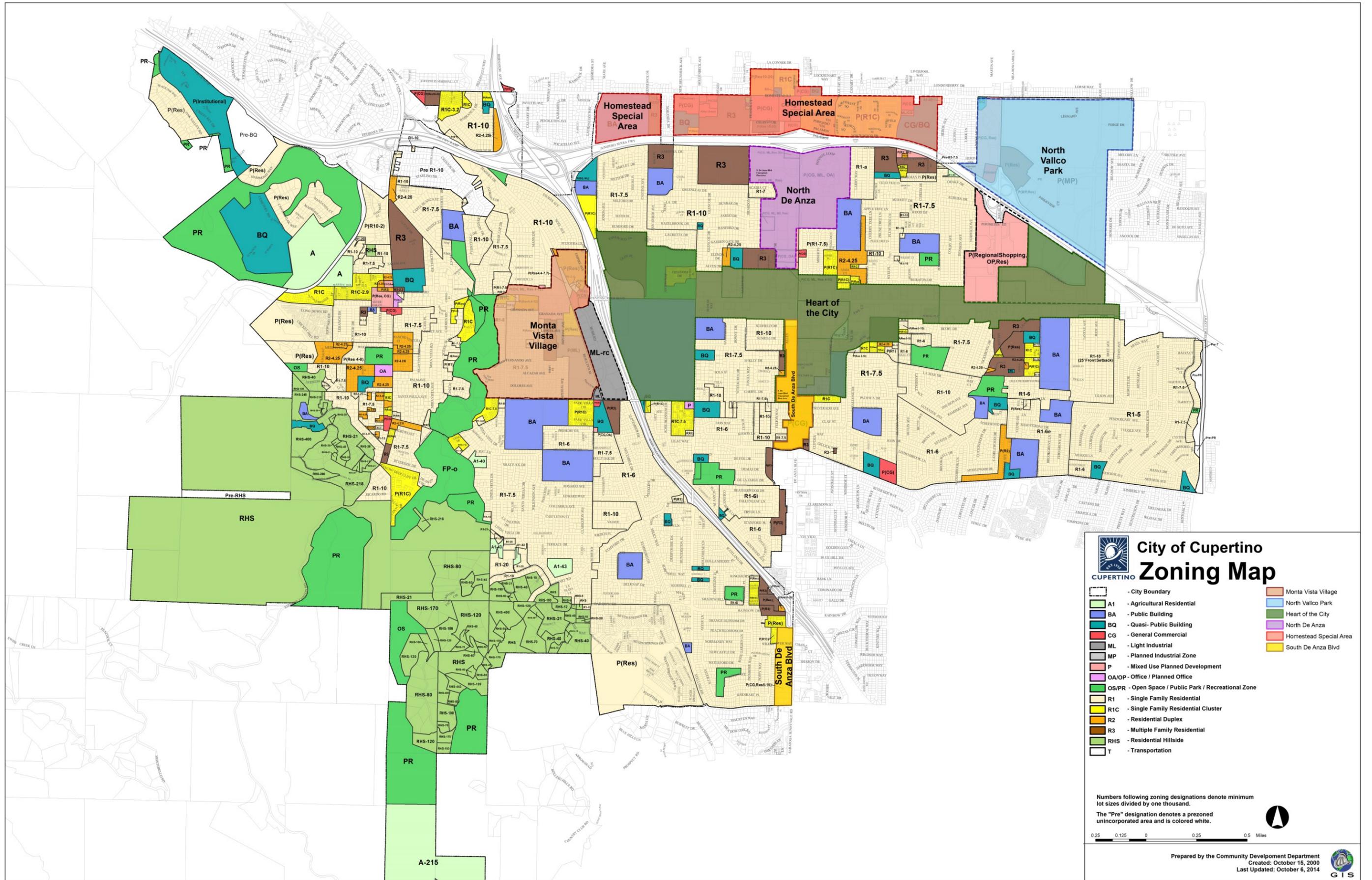


KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
3350 Scott Boulevard, Building 22 (408) 727 6665
Santa Clara, California 95054 fax (408) 727 5641

DATE	MAR. 2014
SCALE	1" = 200'
DR. BY	SB
JOB	A11020-2
SHEET NO.	2 OF 2

EXHIBIT Z-3

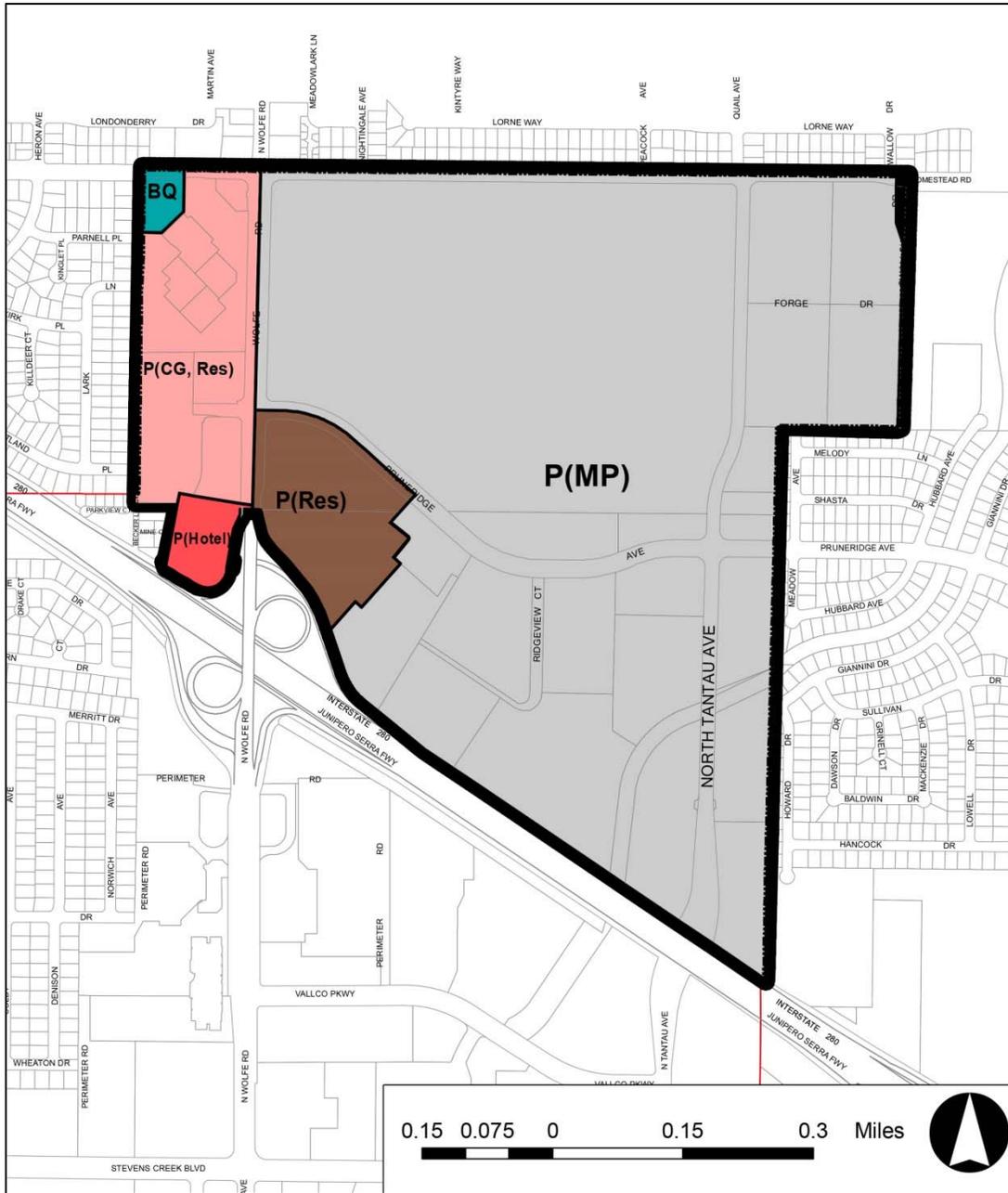
APN	Current Zoning	Zoning if selected as a Priority Housing Site	Zoning if <u>NOT</u> selected as a Priority Housing Site	Density if selected as a Priority Housing Site	Density if <u>NOT</u> selected as a Priority Housing Site
316-06-032	P(Res – 70)	P(Res)	P(Res)	65 du/ac.	25 du/ac.
316-06-037	P(Res – 70)	P(Res)	P(Res)	65 du/ac.	25 du/ac.
316-20-080	P(Regional Shopping)	P(Regional Shopping, OP, Res)	P(Regional Shopping)	35 du/ac.	35 du/ac.
316-20-081	P(Regional Shopping)	P(Regional Shopping, OP, Res)	P(Regional Shopping)	35 du/ac.	35 du/ac.
316-20-082	P(Regional Shopping)	P(Regional Shopping, OP, Res)	P(Regional Shopping)	35 du/ac.	35 du/ac.
316-20-101	P(Regional Shopping)	P(Regional Shopping, OP, Res)	P(Regional Shopping)	35 du/ac.	35 du/ac.
316-20-104	P(Regional Shopping)	P(Regional Shopping, OP, Res)	P(Regional Shopping)	35 du/ac.	35 du/ac.
316-20-105	P(Regional Shopping)	P(Regional Shopping, OP, Res)	P(Regional Shopping)	35 du/ac.	35 du/ac.
316-20-106	P(Regional Shopping)	P(Regional Shopping, OP, Res)	P(Regional Shopping)	35 du/ac.	35 du/ac.
316-20-107	P(Regional Shopping)	P(Regional Shopping, OP, Res)	P(Regional Shopping)	35 du/ac.	35 du/ac.
326-27-039	P(CG)	P(CG, Res)	P(CG)	35 du/ac.	25 du/ac.
326-27-040	P(CG)	P(CG, Res)	P(CG)	35 du/ac.	25 du/ac.
326-27-041	P(CG)	P(CG, Res)	P(CG)	35 du/ac.	25 du/ac.
“Common Area” identified in Santa Clara County Assessor Office Book 326, Page 27 for Effective Roll Year 2014-2015 surrounded by APN: 326-27-039, 326-27-040 & 326-27-041	P(CG)	P(CG, Res)	P(CG)	35 du/ac.	25 du/ac.





Zoning Map – North Vallco Special Area

CUPERTINO



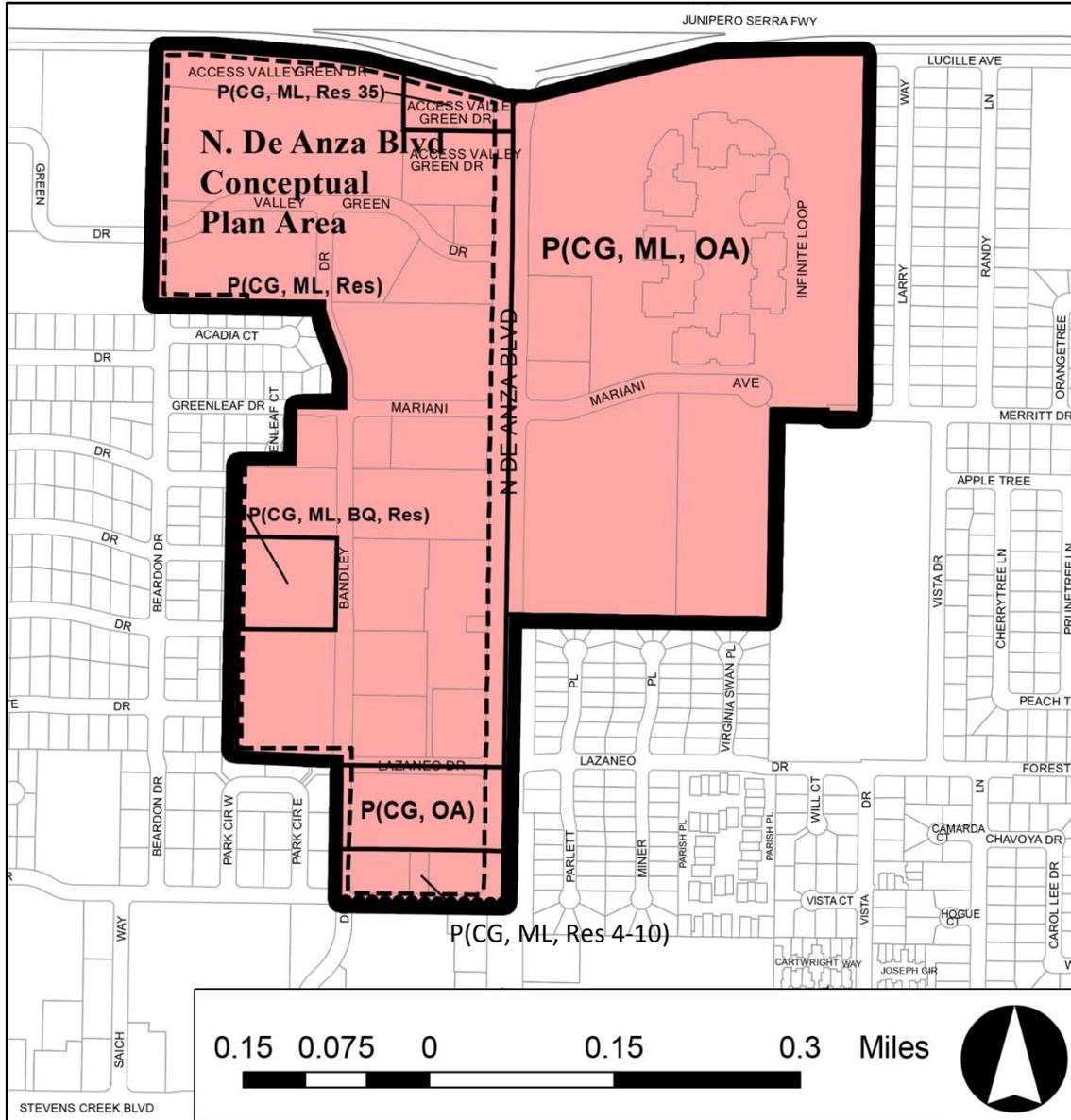
LEGEND

	- Heart of the City Specific Plan Area		OA/OP - Office / Planned Office
	A1 - Agricultural Residential		OS/PR - Open Space / Public Park / Recreational Zone
	BA - Public Building		R1 - Single Family Residential
	BQ - Quasi- Public Building		R1C - Single Family Residential Cluster
	CG - General Commercial		R2 - Residential Duplex
	ML - Light Industrial		R3 - Multiple Family Residential
	MP - Planned Industrial Zone		RHS - Residential Hillside
	P - Mixed Use Planned Development		T - Transportation



Zoning Map – North De Anza Special Area

CUPERTINO

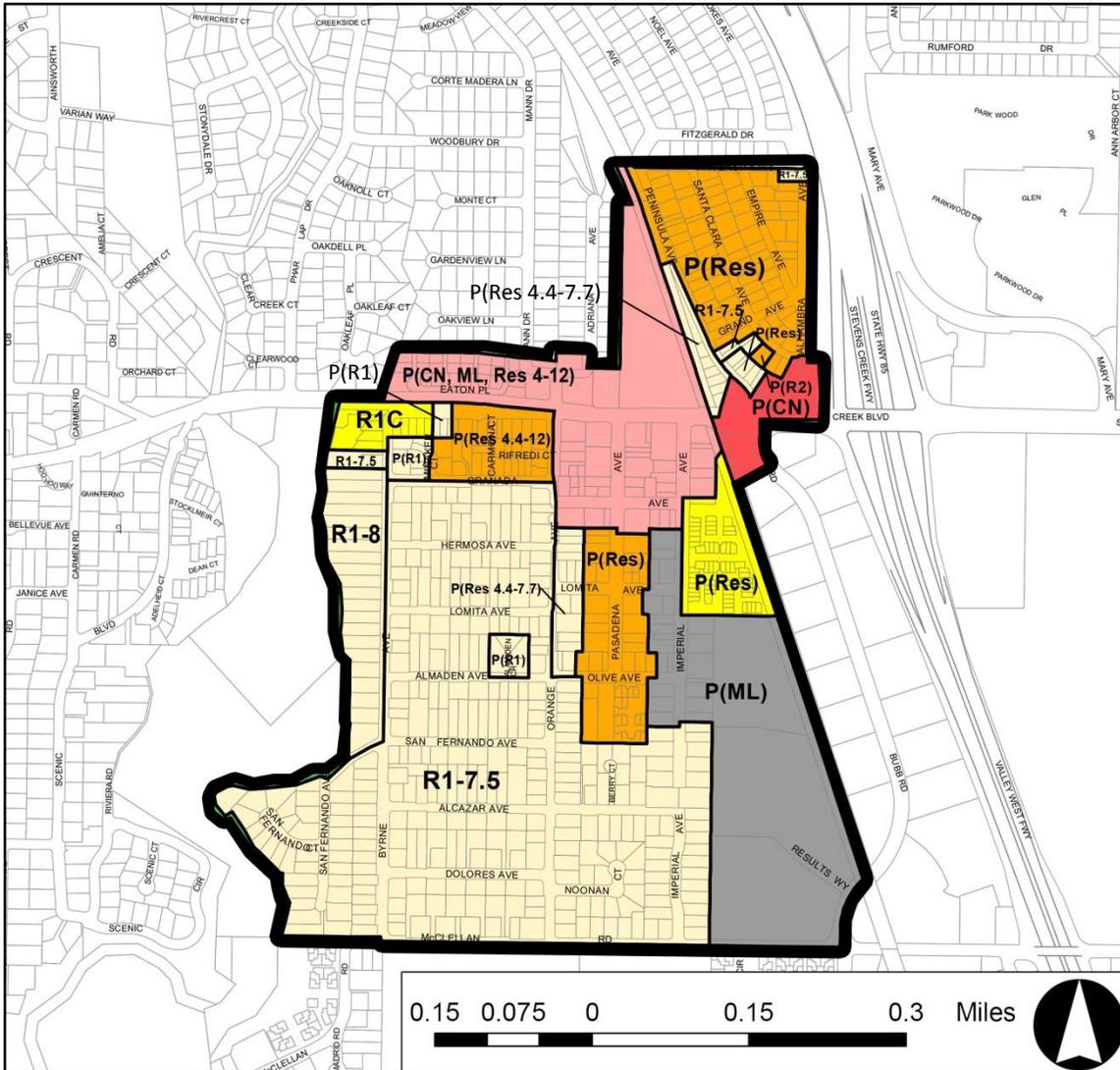


LEGEND	
	- Heart of the City Specific Plan Area
	A1 - Agricultural Residential
	BA - Public Building
	BQ - Quasi- Public Building
	CG - General Commercial
	ML - Light Industrial
	MP - Planned Industrial Zone
	P - Mixed Use Planned Development
	OA/OP - Office / Planned Office
	OS/PR - Open Space / Public Park / Recreational Zone
	R1 - Single Family Residential
	R1C - Single Family Residential Cluster
	R2 - Residential Duplex
	R3 - Multiple Family Residential
	RHS - Residential Hillside
	T - Transportation



Zoning Map – Monta Vista Special Area

CUPERTINO

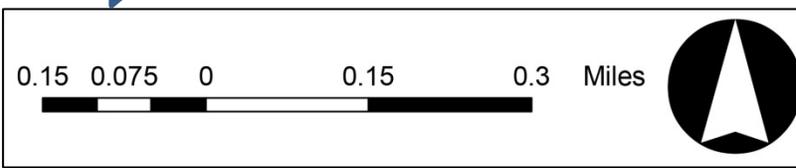
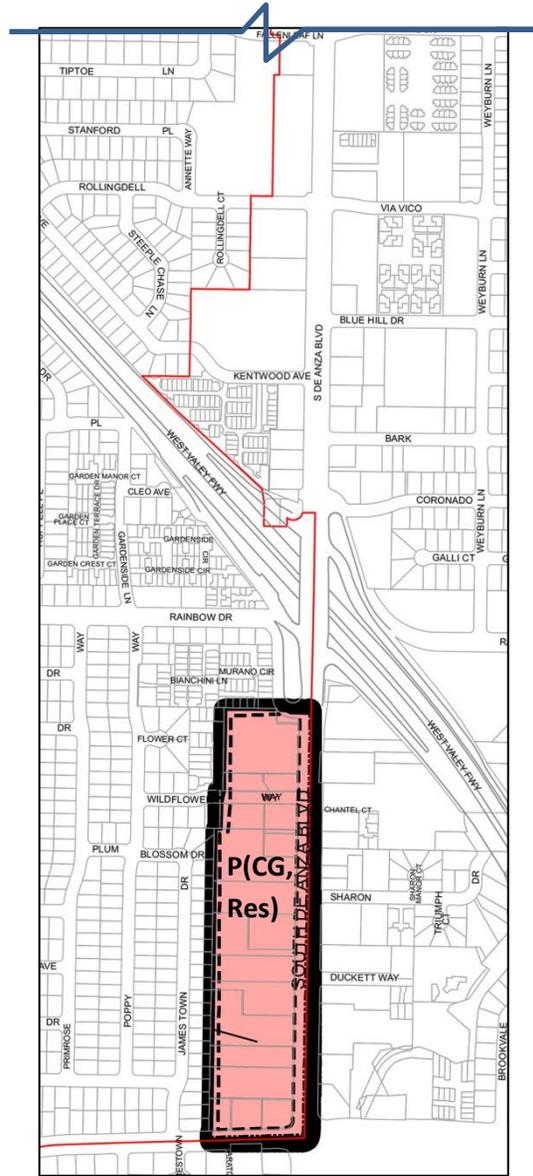
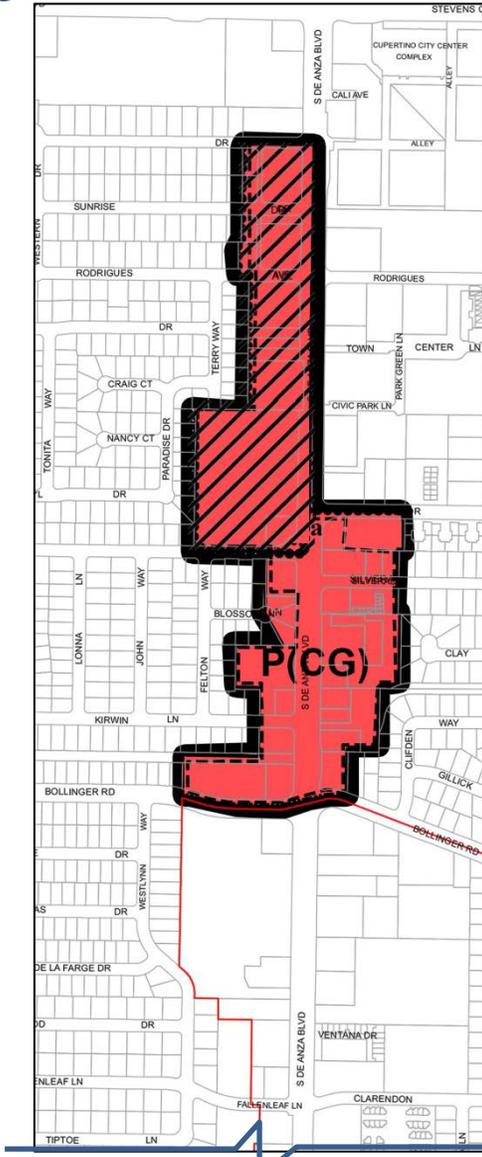


LEGEND	
	- Heart of the City Specific Plan Area
	A1 - Agricultural Residential
	BA - Public Building
	BQ - Quasi- Public Building
	CG - General Commercial
	ML - Light Industrial
	MP - Planned Industrial Zone
	P - Mixed Use Planned Development
	OA/OP - Office / Planned Office
	OS/PR - Open Space / Public Park / Recreational Zone
	R1 - Single Family Residential
	R1C - Single Family Residential Cluster
	R2 - Residential Duplex
	R3 - Multiple Family Residential
	RHS - Residential Hillside
	T - Transportation



Zoning Map – South De Anza Special Area

CUPERTINO



LEGEND	
	- Heart of the City Specific Plan Area
	A1 - Agricultural Residential
	BA - Public Building
	BQ - Quasi- Public Building
	CG - General Commercial
	ML - Light Industrial
	MP - Planned Industrial Zone
	P - Mixed Use Planned Development
	OA/OP - Office / Planned Office
	OS/PR - Open Space / Public Park / Recreational Zone
	R1 - Single Family Residential
	R1C - Single Family Residential Cluster
	R2 - Residential Duplex
	R3 - Multiple Family Residential
	RHS - Residential Hillside
	T - Transportation