

CITY OF CUPERTINO  
10300 Torre Avenue  
Cupertino, California 95014

DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO RECOMMENDING THAT THE CITY COUNCIL ADOPT GPA-2019-01, A RESOLUTION ADOPTING A SECOND ADDENDUM TO THE 2014 GENERAL PLAN AMENDMENT, HOUSING ELEMENT UPDATE, AND ASSOCIATED REZONING PROJECT ENVIRONMENTAL IMPACT REPORT AND AMENDING THE GENERAL PLAN TO REMOVE OFFICE AS A PERMITTED USE FROM THE VALLCO SHOPPING DISTRICT SPECIAL AREA AND REMOVE ASSOCIATED OFFICE ALLOCATIONS

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WHEREAS, at a duly noticed public hearing held on July 30, 2019, the Planning Commission of the City of Cupertino considered the Second Addendum to the 2014 General Plan Amendment, Housing Element Update, and Associated Rezoning Project Environmental Impact Report and amendments to the City's General Plan to remove office uses as a permitted land use within the Vallco Shopping District Special Area and remove the associated office development allocation; and

WHEREAS, the Planning Commission has duly considered all evidence, including testimony and the evaluation and recommendations by staff, presented at said hearing.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission hereby finds and declares that each of the recitals and findings set forth in the Draft Resolution attached hereto as Exhibit A are true and correct and are incorporated into this Resolution as though fully set forth herein.
  2. The Planning Commission recommends that the City Council, in substantially similar form to the Draft Resolution attached hereto as Exhibit A, adopt the Second Addendum to the 2014 General Plan Amendment, Housing Element Update, and Associated Rezoning Project Environmental Impact Report and proposed General Plan Amendment.
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PASSED AND ADOPTED this 30rd day of July, 2019, at a Special Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES: COMMISSIONERS:  
NOES: COMMISSIONERS:  
ABSTAIN: COMMISSIONERS:  
ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

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Benjamin Fu, Director  
Community Development

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R Wang, Chair  
Planning Commission

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 2014 GENERAL PLAN  
AMENDMENT, HOUSING ELEMENT UPDATE, AND ASSOCIATED  
REZONING PROJECT ENVIRONMENTAL IMPACT REPORT AND  
AMENDING THE GENERAL PLAN TO REMOVE OFFICE AS A PERMITTED  
USE FROM THE VALLCO SHOPPING DISTRICT SPECIAL AREA AND  
REMOVE ASSOCIATED OFFICE ALLOCATIONS

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SECTION I: PROJECT DESCRIPTION

Application No: GPA-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, 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 to be developed pursuant to a specific plan for the Special Area; and

WHEREAS, the City Council desires to improve the jobs/housing balance within Cupertino by decreasing the amount of future office uses to be developed relative to housing, which will reduce traffic congestion, reduce vehicle miles traveled (VMT), and contribute to a reduction in greenhouse gas emissions from commuting patterns that follow unbalanced office development without adequate residential opportunities; and

WHEREAS, this General Plan Amendment to remove office uses as a permitted land use within the Vallco Shopping District Special Area and remove the associated office development allocation (the "General Plan Amendment") 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, 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 modification 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 General Plan Amendment; and

WHEREAS, on July 30, 2019, the Planning Commission recommended on a X-X vote that the City Council adopt the General Plan Amendment (GPA-2019-01), in substantially similar form to the Resolution presented; and

WHEREAS, on August 20, 2019, upon due notice, the City Council has held at least one 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; and

WHEREAS, by Resolution No. [###] the Planning Commission recommended that the City Council adopt the Second Addendum to the Final EIR; 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.
3. Adopts the amendments to the General Plan (Application No. GPA-2019-01) as shown in Exhibit GPA-01A and authorizes the staff to make grammatical, typographical, numbering, and formatting changes necessary to assist in production of the final published General Plan.
4. Adopts the amendments to the General Plan Land Use Map as shown in Exhibit GPA-01B.

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-01A**

**Amend Chapter 2, page PA-8 as follows:**

[Delete "Office" from legend of Vallco Shopping District Special Area Diagram.]

**Amend Chapter 3, Page LU-13 related to Vallco Shopping District as follows:**

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	-	-	<del>2,000,000</del> =	<del>2,000,000</del> =	148	339	191	-	389	389

[Make conforming edits to "Citywide" totals]

*\*\* Buildout totals for Office and Residential allocation within the Vallco Shopping District are contingent upon a Specific Plan being adopted for this area by May 31, 2018. If a Specific Plan is not adopted by that date, City will consider the removal of the Office and Residential allocations for Vallco Shopping District. See the Housing Element (Chapter 4) for additional information and requirements within the Vallco Shopping District.*

**Amend Chapter 3, Pages LU-50 and LU-51 as follows:**

LU-19.1.2: Parcel Assembly.

Parcel assembly and a plan for complete redevelopment of the site is required prior to adding residential and office-uses. Parcelization is highly discouraged in order to preserve the site for redevelopment in the future.

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.

4. Office: Encourage high quality office space arranged in a pedestrian-oriented street grid with active uses on the ground floor, publicly accessible streets and plazas/green space.



**Exhibit GPA-01B**

City of Cupertino Land Use Map

[Designate Vallco Site as Commercial/Residential from Commercial / Office /  
Residential]