

CITY OF CUPERTINO  
10300 Torre Avenue  
Cupertino, California 95014

DRAFT RESOLUTION

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO RECOMMENDING  
THAT THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT FOR THE  
DEVELOPMENT OF A NEW 942-UNIT APARTMENT DEVELOPMENT IN A PLANNED  
RESIDENTIAL ZONING DISTRICT LOCATED AT 19500 PRUNERIDGE AVENUE

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SECTION I: PROJECT DESCRIPTION

Application No.: DA-2015-01  
Applicant: Carlene Matchniff  
Property Owner: Irvine Company  
Location: 19500 Pruneridge Ave (APN: 369-06-032, 316-06-037)

SECTION II: FINDINGS FOR DEVELOPMENT AGREEMENT

WHEREAS, the Planning Commission of the City of Cupertino received an application for a Development Agreement as described in Section I. of this Resolution; and

WHEREAS, Government Code Sections 65864 through 68569.5 provide the statutory authority for development agreements between municipalities and parties with a fee or equitable interest in real property; and

WHEREAS, Cupertino Municipal Code § 19.144.010 et seq., establishes additional procedures for review and approval of proposed development agreements by the City of Cupertino; and

WHEREAS, the necessary public notices have been given as required by the Procedural Ordinance of the City of Cupertino, and the Planning Commission has held at least one public hearing in regard to the application; and

WHEREAS, the Environmental Review Committee reviewed a Mitigated Negative Declaration, which is a concurrent recommended approval under a separate resolution for a development permit; and

WHEREAS, the applicant has met the burden of proof required to support said application; and

WHEREAS, concurrent applications and recommended conditions of approval are contained in file no. DP-2015-04, ASA-2015-13, TR-2015-21, U-2015-05, and EA-2015-02 and shall be applicable to this approval.

WHEREAS, the terms of the Development Agreement include the following community benefits funded by Irvine Company:

1. Contribution toward civic facilities, \$7,000,000
2. Extend reclaimed water line for potable water conservation, \$1,800,000
3. Wolfe Interchange Assessment District Pro Rata "Fair Share," \$7,000,000
4. Continuing obligation of existing term for 34 below market rate units, valued at \$17,000,000
5. Contribution toward Santa Clara Unified School District, \$2,400,000. In 1997, the property was mapped and recorded in the Santa Clara Unified School District service boundaries.
6. Affordable housing agreement
7. Affordable housing relocation agreement
8. Amended and restated below market rental housing to be recorded with the property
9. Transportation demand management program

WHEREAS, approval of the Development Agreement will provide Irvine Company with assurances that its development of the Property in connection with the Project can proceed without disruption caused by a change in City planning and development policies and requirements, which assurance will thereby reduce the actual or perceived risk of planning, financing and proceeding with construction and use of the development and promote the achievement of the private and public objectives of the development; and

WHEREAS, the Planning Commission finds as follows with regard to this application:

A Development Agreement shall be enacted by ordinance by the City Council upon making the following findings:

- A. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;
- B. Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is or will be located;
- C. Is in conformity with and will promote public convenience, general welfare and good land use practice;
- D. Will not be detrimental to the health, safety and general welfare;
- E. Will not adversely affect the orderly development of property or the preservation of property values; and
- F. Will promote and encourage the development of the proposed project by providing a greater degree of requisite certainty.

*The community benefits outlined in the recitals are consistent with the General Plan because these benefits contribute to the quality of life and general livability for those who live and/or work in Cupertino. The proposed contributions can be set aside for the future provision of community amenities including transportation improvements, civic facilities, schools, water conservation, affordable and/or special needs housing. As Cupertino's resident and worker population increase, additional amenities will be necessary to maintain and improve the livability of the community. The Community Benefit Program is one of the key tools the City will use to help finance and achieve those amenities that maintain and increase our quality of life. In addition to the*

*community benefits through the development agreement, the proposed application does not request any General Plan Amendments and is consistent with the General Plan and Housing Element development standards.*

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of the initial study, maps, facts, exhibits, testimony and other evidence submitted in this matter, subject to the conditions which are enumerated in the resolutions of concurrent applications:

The application for a Development Agreement, Application no. DA-2015-01 is hereby recommended for approval, and that the subconclusions upon which the findings and conditions specified in this Resolution are based and contained in the Public Hearing record concerning Application no. DA-2015-01 as set forth in the Minutes of Planning Commission Meeting of May 10, 2016, and are incorporated by reference as though fully set forth herein.

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PASSED AND APPROVED this 10th day of May 2016, at a meeting of the Planning Commission of the City of Cupertino by the following roll call vote:

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

ATTEST:

APPROVED:

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Benjamin Fu  
Asst. Dir. Community Development

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Alan Takahashi, Chair  
Planning Commission