

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION 6884

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF CUPERTINO RECOMMENDING THAT THE CITY
COUNCIL ADOPT 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 ESTABLISH HEIGHT
LIMITS WITHIN THE VALLCO SHOPPING DISTRICT SPECIAL AREA

WHEREAS, at a duly noticed public hearing held on July 30, 2019, the Planning Commission of the City of Cupertino considered proposed amendments to the City's General Plan, including the establishment of height limits for residential uses within 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; 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;

WHEREAS, the City has prepared a Second Addendum ("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, 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 recommends that the City Council determine that the Second Addendum reflects the independent judgment of the City.
2. The Planning Commission recommends that the City Council adopt the Second Addendum for modifications to the Project affecting the Vallco Shopping District Special Area.
3. The Planning Commission recommends that the City Council adopt a proposed General Plan Amendment solely to establish a height limit of 60 feet for residential use only, and 75 feet for residential use above commercial, within the Vallco Shopping District Special Area; subject to economic analysis of the feasibility of development consistent with those general plan amendments; and subject to additional public engagement.

PASSED AND ADOPTED this 30th 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: WANG, SAXENA, TAKAHASHI, FUNG

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS: MOORE

ATTEST:

APPROVED:

 /s/Benjamin Fu
Benjamin Fu, Director
Community Development

 /s/R Wang
R Wang, Chair
Planning Commission