ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF CUPERTINO APPROVING
THE REZONING OF THREE PARCELS FROM PLANNED
DEVELOPMENT ZONING WITH GENERAL COMMERCIAL
USES (P(CG)) TO PLANNED DEVELOPMENT ZONING WITH
GENERAL COMMERCIAL AND RESIDENTIAL USES (P(CG, RES))
LOCATED 22690 STEVENS CREEK BOULEVARD

Application No.: Z-2020-001
Applicant: Alan Enterprises LLC
Location: 22690 Stevens Creek Boulevard;
APN#s 341-14-066, 342-14-104 & 105

The City Council of the City of Cupertino finds that:

WHEREAS, an application was received by the City (Application no. Z-2020-001) for the rezoning of a property from Planned Development with Commercial intent (P(CG)) to Planned Development with General Commercial and Residential intent (P(CG, Res)).

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

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) ("CEQA Guidelines"), the City prepared an Initial Study and proposed Mitigated Negative Declaration ("Project"); and

WHEREAS, on October 28, 2021, the City of Cupertino's Environmental Review Committee held a duly noticed public hearing to receive public testimony and reviewed and considered the information contained in the Draft IS/MND, and voted 5-0-0 to recommend that the City Council adopt the Draft IS/MND (EA-2018-06) and mitigation measures; and

WHEREAS, the Final Draft Initial Study and Mitigated Negative Declaration was presented to the Planning Commission on November 23, 2021 at a regularly scheduled Planning Commission Meeting; and,

WHEREAS, on November 23, 2021, the Planning Commission held a duly noticed public hearing to receive staff's presentation and public testimony, and to consider the information contained in the IS/MND along with all staff reports, other pertinent documents, and all written and oral statements received prior to and at the public hearing,

and recommended on a 4-1-0 (Wang no) vote, based on substantial evidence in the record, that the City Council adopt the MND, adopt and incorporate into the Project and implement as conditions of approval all of the mitigation measures for the project that are identified in the IS/MND, and adopt the Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, the necessary public notices have been given and the Planning Commission held one public hearing recommending to the City Council on a 4-1-0 (Wang no) that the rezoning be granted per resolution No. (Z-2020-001);

WHEREAS, on January 18, 2022 and February 1, 2022, upon due notice, the City Council has held at least two public hearings to consider the Rezoning; and;

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

WHEREAS, The City Council of the City of Cupertino held a duly noticed public hearing on January 13, 2022, and after considering all testimony and written materials provided in connection with that hearing introduced this ordinance and waived the reading thereof.

NOW, THEREFORE, THE CITY COUNCIL OF THE OF CITY OF CUPERTINO DOES ORDAIN AS FOLLOWS:

That after careful consideration of the facts, exhibits, testimony and other evidence submitted in this matter, the City Council adopts the Rezoning based upon the findings described above, the public hearing record and the Minutes of Planning Commission Meeting of November 23, 2021, and subject to the conditions specified below:

Section 1. The recitals set forth above are true and correct, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

Section 2. The City Council finds the following as set forth by Municipal Code 19.152.020.C:

1. That the proposed zoning is in accord with Title 19 of the Municipal Code and the City's Comprehensive General Plan (Community Vision 2040).

The project has been determined to be consistent with the General Plan. The proposed rezoning would be consistent with the proposed land use and the General Plan consistency determination. The Planned Development district allows the City flexibility to approve project specific development standards different from the standards outlined in the Zoning regulations for the site.

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

As set forth above, the City examined the environmental effects of the Project, including the zoning amendments adopted herein, and in the Initial Study and Mitigated Negative Declaration prepared in accordance with the California Environmental Quality Act. On January 13, 2022 the City Council adopted resolution ____ to approve the Initial Study and Mitigated Negative Declaration with the Mitigation Monitoring and Reporting Program. Any potential impacts associated with project have been analyzed, and mitigation to reduce any potential impacts to less than significant with mitigation have been adopted. Therefore, the proposed zoning complies with the provisions of CEQA.

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 site being rezoned will have access to existing utilities and is compatible with adjoining residential land uses.

4. The proposed zoning will promote orderly development of the City.
The site being rezoned will promote orderly development in the City through incorporation of development standards proposed by the project in compliance with the Planned Development Zoning District regulations of the Municipal Code, while continuing to allow commercial activity in the future.

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 the proposed uses have been determined to be consistent with the City's General Plan Land Use Element. Additionally, where any potential health or safety impacts have been identified in the Project's CEQA analysis, mitigation measures have been identified which would be mitigate the impact.

Section 3. The City Council approves the following:

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

APN	Current Zoning	New Zoning
341-14-066	P(CG)	P(CG, Res)
342-14-104	P(CG)	P(CG, Res)
342-14-105	P(CG)	P(CG, Res)

2. The approved plan for the project indicates the setbacks, minimum common and private open space, maximum floor area ratio, height and other development standards. Any future changes to these standards would require a rezoning of the property.

Section 4. The City Council finds the Rezoning is within the scope of the Initial Study Mitigated Negative Declaration and directs the Director of Community Development to file a Notice of Determination with the Santa Clara County Recorder in accordance with CEQA guidelines.

Section 5. This Ordinance shall be effective thirty (30) days following its adoption.

INTRODUCED at a special meeting of the Cupertino City Council on January 13, 2022 and **ENACTED** at a regular meeting of the Cupertino City Council on_____, 2022 by the following vote:

Members of the City Council

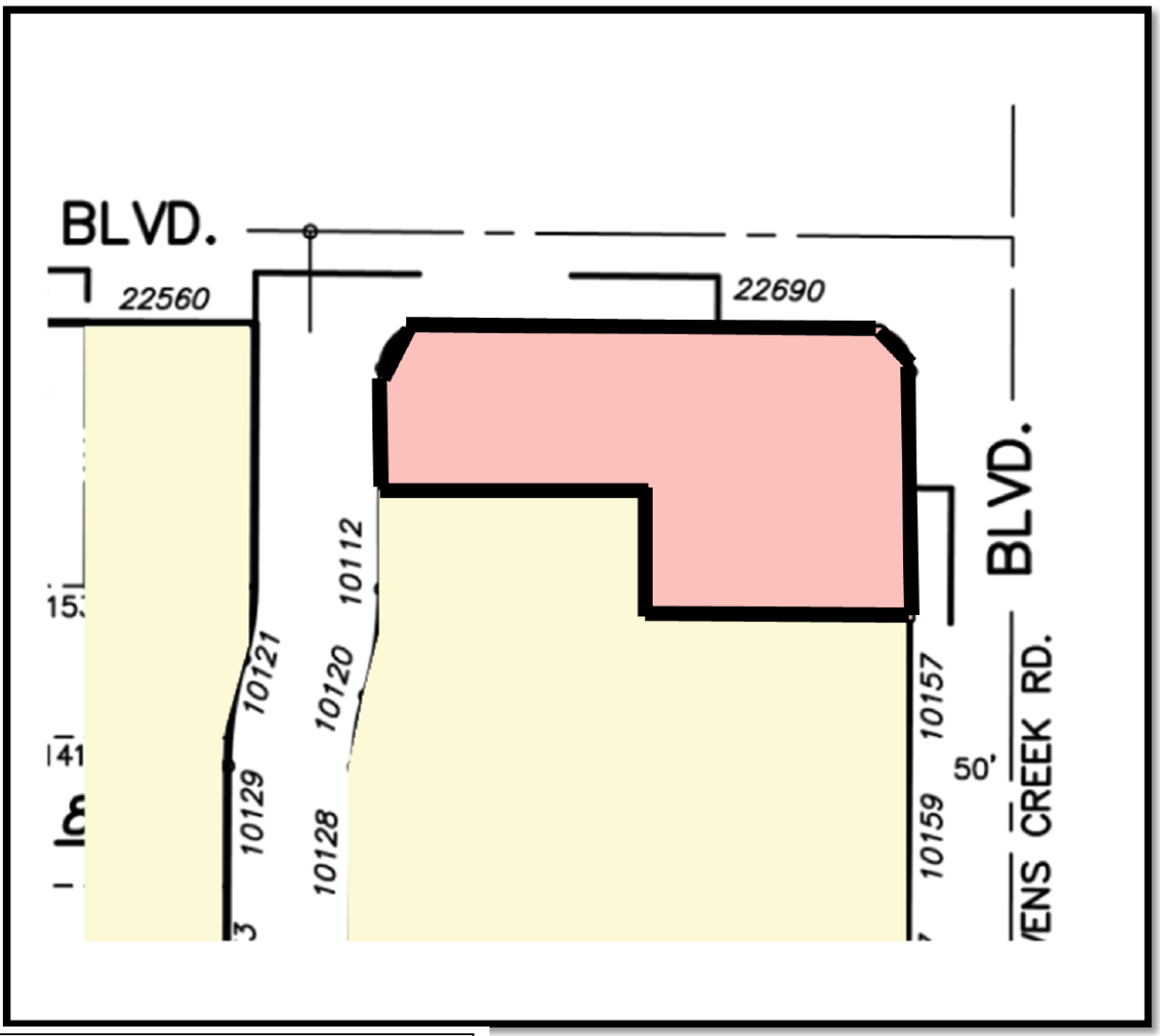
AYES:
NOES:
ABSENT:
ABSTAIN:

SIGNED: _____ Darcy Paul, Mayor City of Cupertino	 _____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	 _____ Date
APPROVED AS TO FORM: _____ Christopher Jensen, City Attorney	 _____ Date

Planned Development with General Commercial and Residential Intent, P(CG,

Residential Single Family

Subject Property



Property Details	
APNs:	342-14-066, 342-14-104, 342-14-105
Address:	22690 Stevens Creek Boulevard
Acreage	0.63 acres
Zone Change	
From:	Planned Development with General Commercial Intent
To:	Planned Development with General Commercial and Residential Intent