



COMMUNITY DEVELOPMENT DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: November 5, 2019

Subject

Consider whether to authorize the formal submission and processing of a General Plan Amendment application to allow 29 units where four (4) units are currently allowed on an 86-acre hillside property, on the west side of the City adjacent to Linda Vista Park, with an average slope of ~48% which would require General Plan Amendments to change the existing General Plan Land Use Designation. (Application No.(s): GPAAuth-2019-01; Applicant: Lixin Chen; Location: APN(s): 356-27-026, 356-05-007, 356-05-008.

Recommended Action

Determine if the project described in General Plan Amendment Authorization application (GPAAuth-2019-01) is authorized to proceed to apply for the requested General Plan Amendments. If authorized adopt Resolution No. ____ authorizing a perspective development proposal described in the Canyon View Project General Plan Amendment Authorization application, No: GPAAuth-2019-01, to proceed with a General Plan Amendment application.

Discussion

Background

On September 1, 2015, the City Council adopted procedures for considering General Plan amendments requested by private parties. The procedures provide the following benefits over the previous process whereby General Plan amendment applications were processed as they were received:

- Provide an orderly process to ensure that General Plan amendment proposals are fairly considered in light of the City's goals and concerns about growth;
- Encourage orderly development of the City and ensure that facility/service and quality of life standards can be met for the community;
- Provide opportunity for early community input;
- Consider impacts on staff and other resources.

Pursuant to the procedures, the City Council evaluates General Plan Amendment proposals for authorization as follows (see Attachment B for adopted Council policy):

- General Plan Amendment Authorization applications are considered twice a year and preliminarily evaluated for the following:
 - (i) General Plan goals achieved by the project including, but not limited to, the following:
 - (1) Site and Architectural design and neighborhood compatibility
 - (2) Brief description of net fiscal impacts (sales tax, transient occupancy tax or other revenue provided by the project) including a diverse economic base
 - (3) The provision of affordable housing
 - (4) Environmental Sustainability
 - (ii) General Plan amendments (and any other zoning amendments or variances) requested.
 - (iii) Proposed voluntary community amenities, if any.
 - (iv) Staff time and resources required to process the project.
- Based on the above evaluation, Council determines if the project may proceed to apply for the requested General Plan Amendments;
- Staff will receive and begin processing any authorized General Plan Amendment applications.
- Proposals not authorized by the Council may be resubmitted with minor amendments within 30 days and be reconsidered by Council.

A decision to authorize initiating a General Plan Amendment does not in any way presume approval of the amendment or project. It only authorizes staff to process the application, but the City retains its discretion to consider the application in accordance with all applicable laws, including the California Environmental Quality Act ("CEQA") and the City's zoning laws and ordinances. Consideration of the General Plan Amendment application will be in accordance with the City's Municipal Code and regulations.

The deadline to apply for general plan amendment authorizations for consideration by Council in the Second Cycle of 2019 was May 13, 2019. The City received one application for authorization for General Plan amendments – the Canyon View project. This report reviews the project based on the evaluation criteria set forth in the procedures.

Analysis

Introduction

The proposal is to subdivide three (3) vacant parcels to 25 residential lots that would yield 29 residential units (23 single-family homes and six (6) Below-Market Rate townhomes). There is no development currently on the site; however, based on the Environmental Assessment referenced in the Project Description, the site contains an inactive quarry (McDonald-Dorsa Quarry) on the eastern portion of the property. No development is proposed at the quarry pit.

Project Location and Surrounding Uses

The project site is located over three (3) parcels that have a cumulative area of 86.11 acres, see Figure 1. The project is bounded by the Deep Cliff Golf Course and Linda Vista Park to the north, single-family residential (R-1) homes to the east, residential hillside (RHS) homes to the south, and one vacant parcel (former Parkside Trails development site) and the Stevens Creek County park to the west.

The proposed project would access Linda Vista Drive through the street that leads into the Linda Vista Park parking lot.

Evaluation of Project Proposal:

The following is a high-level evaluation of the project proposal related to compliance with the City's General Plan and zoning standards.



Figure 1: Project Site and Vicinity

Project Data

Table 1 indicates the proposed project data along with General Plan amendments, or variances, requested and/or required.

Table 1: Canyon View Project Data

<u>Requirement/ Standard</u>	<u>Allowed/Required/ Existing</u>	<u>Proposed</u>	<u>Comments</u>
General Plan Designation	Very Low Density (5-20 Acre Slope Density)	See discussion under Site and Arch. Design and Neighborhood Compatibility	New General Plan Land Use Designation necessary

<u>Requirement/ Standard</u>	<u>Allowed/Required/ Existing</u>	<u>Proposed</u>	<u>Comments</u>
Development Allocation			
Residential	4	Market rate: 23 single-family BMR: 6 townhomes (two triplexes)	General Plan Amendment Required to increase allowed number of homes
Height	30 feet (max.)	N/A	Final design and placement of the homes not known, but must comply with zoning standards
Setbacks			
Front	First Floor: 20 feet Second Floor: 25 feet		
Side	First Floor: 10 feet Second Floor: 15 feet		
Rear	First Floor: 20 feet Second Floor: 25 feet		
Floor Area Ratio	Lesser of: · 6,500 square feet; or · 45% of net lot area multiplied by the slope adjustment	· Market-rate: ~3,200 sq. ft. - ~6,000 sq. ft. · BMR: ~1,000 sq. ft. – 1,100 sq. ft.	Applicant proposes to comply with RHS Ordinance
Lot Coverage	N/A	N/A	-
Fiscal Impact	\$0	\$71,000 a year to the General Fund	-

Evaluation Criteria Discussion

The following is a discussion of the project relative to the evaluation criteria established by City Council procedure for General Plan Amendment authorization requests.

Evaluation Criteria

Based on the criteria in the policy adopted by the City Council on September 1, 2015, the project has been evaluated based on:

- General Plan goals achieved by the project:
 - Site and architectural design and neighborhood compatibility – does the project exhibit superior quality of site layout and project design? Is the project compatible with the surrounding uses?
 - Fiscal impacts, including a diverse economic base – would the project have positive or negative one-time and ongoing impacts to the City’s fiscal base?

- Provision of affordable housing – does the project provide or otherwise promote affordable housing above and beyond typical City requirements?
- Environmental sustainability – to what extent does the project include features including green building, site design and project operation principles, that promote environmental sustainability above and beyond the City's typical requirements?
- General Plan amendments requested – number and type of General Plan amendments requested by the applicant.
- Proposed voluntary community amenities – what is the per-square-foot amount of community amenities offered by the applicant?
- Staff time and resources required to process the project – would the amount of staff time and resources require hiring of staff or consultants to process the project? It should be noted that applicants would be required to pay the full cost of processing the project, including staff and consultant time and materials.

General Plan Goals Achieved by Proposal

Site and Architectural Design and Neighborhood Compatibility:

- No architectural details have been provided for the project. The design of the proposed units would be reviewed as part of future development permits.
- Goal LU-19 of the General Plan seeks to preserve and protect the City's hillside natural habitat and aesthetic values. This includes a Strategy (LU-12.1.1) to limit development on ridgelines, hazardous geological areas and steep slopes. Based on the drawings provided, a significant amount of development would occur at or along prominent ridgelines (see Figure 2). Much of the site is in either Fault Rupture or Slope Instability (Geologic Hazard) zones.
- The current General Plan Land Use designation is Very Low Density (5-20 acre slope density). General Plan Policy LU-12.2 (*Clustering Subdivisions*) requires major subdivisions along the

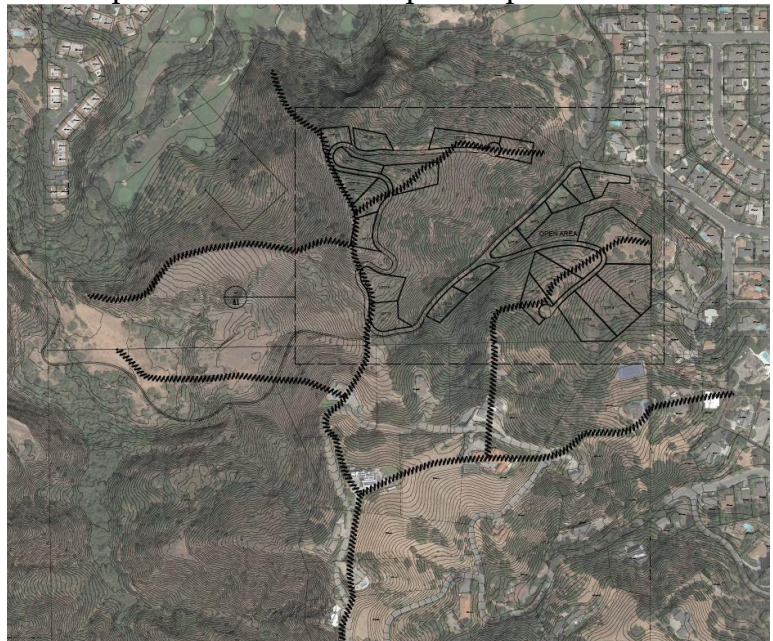


Figure2: Prominent Ridgelines

hillside with a General Plan Land Use Designation of Very Low Density (5-20 Acre Slope Density Formula) to cluster major subdivision to preserve 90% of the land (~77.5 acres) to private open space and protect the unique characteristics of the hillsides. As proposed, the project would maintain 86% of the land (73.69 acres) as designated open space. The project proposes that most of the development occur on the parcel closest to Linda Vista Park, with the other parcels undeveloped.

- The project would require the removal of trees to accommodate the project. The number and species of trees to be removed is unknown at this time.
- The project is located south of Stevens Creek and appears to have a riparian corridor located within the project area. This area is where the access street is proposed and contains heavy vegetation that is suspected to be riparian in nature. Development of the street could conflict with General Plan Policy ES-7.8 (*Natural Water Courses*) which requires retention and restoration of creek beds, riparian corridors, watercourses and associated vegetation in their natural state to protect wildlife habitat and recreation potential and assist in groundwater percolation and encourages land acquisition or dedication of such land.
- Currently, based on the slope of the property and General Plan Land Use Designation, four (4) are allowed. The City has three (3) land use designations that typically apply to the hillside area. They are:
 - Very Low Density (5-20 Acre Slope Density Formula)
 - Very Low Density (Foothill Modified 1/2 Acre Slope Density Formula)
 - Very Low Density (Foothill Modified Slope Density Formula)

Average slope of the three parcels, and the slope of the parcel that is mainly the subject of this proposal, is ~48%. Application of either the Foothill Modified ½-acre or the Foothill Modified Slope Density Formula could allow the development of a maximum of 17 units over the entire site. For the project to be subdivided as proposed, a new hillside General Plan Land Use Designation that would allow for 29 units to occur onsite would need to be created.

- The project proposes the addition of a new trail that would run along the property from east to west. The applicant proposes to build the trail adjacent to the access road and provide easement(s) over the portion that is not adjacent to the access road. Figure RPC-4 of Recreation, Park and Community Services Element of the General Plan indicates an alternative Stevens Creek Trail running through the property. Page RPC-11 of the General Plan also includes the following: *"The 2002 Stevens Creek Trail Feasibility study concluded that it is feasible to construct 7.7 miles of separated and on-street multi-use paths connecting to*

Rancho San Antonio and Stevens Creek County parks. To complete the trail, a public trail easement through the approximately 150 acre former quarry property south of Linda Vista Park will be established when the property is proposed for development. The former quarry haul road connects Linda Vista Park to McClellan Road. It is under the same ownership as the quarry and is necessary to link these properties. Full build out of the Stevens Creek trail is expected to take about 10 to 15 years."

General Plan Policy RPC-5.1: Open Space and Trail Linkages states *"Dedicate or acquire open space land along creeks and utility through regional cooperation, grants and private development review."*

General Plan Strategy RPC-5.1.3: Dedicated Trail Easements states *"Require dedication or easements for trails, as well as their implementation, as part of the development review process, where appropriate."*

Net Fiscal Impacts

- An analysis of fiscal impacts to the City has been prepared by Economics and Planning Systems, Inc. (EPS), a third-party consulting firm, see Attachment E. The report estimates the proposed project would have a \$71,000 net positive annual fiscal impact on the City's General Fund.

Provision of affordable housing

- All housing projects that are equal to or greater than seven (7) units must meet the City's BMR Program which has a 15% inclusionary housing requirement. The City's inclusionary housing requirement requires that the BMR units be comparable to the market rate units in terms of unit type, number of bedrooms per unit, quality of exterior appearance and overall quality of construction. Additionally, the BMR housing program requires that the BMR unit size should be generally representative of the unit sizes within the market-rate portion of the residential project.
- This 29-unit subdivision project, would be required to provide four (4) Below Market Rate (BMR) units on four (4) of the 29 lots – two units at a median-income level and two units at a moderate-income level. In addition, the project will be required to pay BMR In-Lieu Fees for 0.35 units, consistent with the City's BMR Mitigation Manual.
- As part of the community benefit proposed, the applicant has proposed an alternative to the applicable BMR requirements to provide six (6) affordable units (triplexes/attached townhomes) on two (2) lots – affordability levels of the units have not been specified.
- The proposed market-rate single-family residences vary in size from ~3,200 sq. ft. to ~6,000 sq. ft. The proposed BMR townhome units would range between 1,000 sq. ft. and 1,100 sq. ft.

Environmental Sustainability

- The project would be required to be either GPR certified at a minimum of 50 points, LEED Silver, or Alternative Reference to be consistent with the City's Green Building ordinance.

General Plan Amendments Requested

The applicant is requesting General Plan Amendments for the following:

General Plan Amendment that would create a new General Plan Land Use Designation that would allow for 29 units on a project site that would typically yield four (4) units. This would include, but not be limited to, amendments to:

1. Policy LU-12.1.2 which currently allows only three slope density designations for hillsides discussed previously,
2. Appendix A& F of the General Plan (to include the possible new designation),
3. The General Plan Land Use Map

Voluntary Community Amenities Proposed

Table 3 below indicates the proposed voluntary community amenities.

Table 3: Proposed Voluntary Community Amenities

Categories	Proposed	Beneficiary	Value	Comments
School resources	None	N/A	\$0	-
Public open space	Build and/or provide easement for a trail linkage from Linda Vista Park to public open space.	City of Cupertino	TBD	The value of the proposed amenity cannot accurately be quantified due to lack of details.
Public facilities	None	N/A	\$0	-
Transportation facilities	None	None	\$0	-
Affordable Housing	Provide six (6) townhomes on two (2) parcels that range in size from 1,000 sq. ft. to 1,100 sq. ft. (Four (4) single-family home BMR units would otherwise be required).	City of Cupertino	TBD	The value of the proposed amenity cannot accurately be quantified.

Categories	Proposed	Beneficiary	Value	Comments
	Total Value of Qualified Community Amenities		\$0	
	Total Value/square-foot of Qualified Community Amenities		\$0 per s.f.	

Staff Time and Resources:

The Planning Division will dedicate a project manager (either staff or consultant, based on availability) to guide the project through the entitlement process, appropriate environmental, and city related reviews. It is estimated that approximately 0.25 FTE hours will be required for processing this application. Staff time and consultant costs will be paid for by the applicant.

Public Noticing and Outreach

The following table indicates the public noticing and outreach conducted on the General Plan authorization process as required by the procedures adopted by the City Council.

Noticing, Site Signage	Agenda
<ul style="list-style-type: none"> ▪ Postcard mailed to all postal customers in Cupertino (<i>at least 10 days prior to meeting</i>) ▪ Site signage on subject property (<i>at least 10 days prior to meeting</i>) 	<ul style="list-style-type: none"> ▪ Posted on the City's official notice bulletin board (<i>at least five days prior to the hearing</i>) ▪ Posted on the City of Cupertino's Web site (<i>at least five days prior to the hearing</i>)

Environmental Impact

The California Environmental Quality Act (CEQA) does not apply since the City Council's action, consideration and authorization of formal applications, is not a project as defined by CEQA. However, project level environmental review will be conducted for the projects that are authorized to move forward with applications for General Plan Amendments.

Fiscal Impact

The project net fiscal impact to the City's budget has been discussed previously in the "Net Fiscal Impacts" section above.

Next Steps

Projects authorized by the Council to move forward will enter the formal development application and review process including necessary environmental

analysis. The timeline for the projects will begin when the applications are complete and are expected to run about 9-12 months.

Projects additionally have the option to resubmit their application with minor adjustments based on Council input within 30 days of this Council meeting. These modifications would be presented at a subsequent meeting.

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Approved for Submission by: Deborah L. Feng, City Manager

Attachments:

- A – Draft Resolution
- B - City Council policy for General Plan Amendment application procedures
- C - Canyon View Project Plans
- D - Project Description
- E - Fiscal Analysis of the Canyon View GPA Application, prepared by Economics and Planning Systems, Inc., dated October 16, 2019