

All the sites for which the standards are being clarified already have access to utilities and are compatible with adjoining land uses. To the extent that there are deficient utilities, the City has adopted mitigation measures to ensure that any future developments would need to provide the appropriate utilities to accommodate the development. The proposed amendments do not affect the residential density of property and would implement the Land Use Element of the General Plan by clarifying the development standards for development.

4. The proposed zoning will promote orderly development of the City.

The proposed Municipal Code Amendments will promote orderly development in the City by allowing development with clear standards.

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 Municipal Code Amendments are not detrimental to the health, safety, peace, morals and general welfare since these are changes that implement the Land Use Element of the City's General Plan and clarify standards for development. Additionally, where health or safety impacts have been identified in the 2014 General Plan Final EIR, mitigation measures have been identified which would be applicable to any development on P Zone sites.

Section 3. The City Council further finds the following:

The proposed amendments will not impede the ability to develop the City's Regional Housing Needs Allocation or housing for all income levels as anticipated by the City's Housing Element. Instead, the amendments allow residential development of properties without approval of a definitive plan if they meet existing zoning standards established in the Municipal Code. The City will thus continue to be able to address its housing needs in compliance with its Housing Element.

Section 4. The City Council approves the Amendments to the Municipal Code (Application No. MCA-2019-005) as shown in Exhibit MCA and authorizes the staff to make grammatical, typographical, numbering, and formatting changes necessary to assist in production of the final published Municipal Code. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

Section 5. If any portion of this Ordinance or its application is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council hereby declares that it would have adopted each section,

B. Process and Review Authority.

1. Applications for the zoning, prezoning or rezoning of property shall be processed in the manner prescribed in Chapter 19.152.

C. Findings. No such ordinance may be adopted unless, in addition to making the findings required by Chapter 19.152, the following findings are made:

1. That the conceptual development plan attached to the application is consistent with both the General Plan and any underlying zoning designation which regulates the site;

2. That the conceptual development plan provides for an organized and unified system of land uses and land use intensities which would be compatible with the surrounding neighborhood;

3. That the conceptual development plan for a residential use ensures that the proposed development provides adequate active and passive oriented open space within the development to satisfy the needs of future residents and, further, that the proposed development provides adequate landscaping that will function in a manner which will enhance the individual development and the community as a whole;

4. That the conceptual development plan ensures that the location of the site with respect to major thoroughfares and uses outside the zone would not create undue and unreasonable traffic congestion in the area;

5. That the conceptual development plan makes provisions for adequate parking, waste disposal and undergrounding of utilities.

D. Modifications. Any modification of the conceptual plan requires the submission of a rezoning application.

19.80.050 Development Permit.

Process and Review Authority - Prior to any development within a planned development zoning district, the applicant must obtain a development permit ~~and a required or requested definitive plan~~ approving the development, and approval of a required or requested definitive plan, pursuant to the requirements of Chapter 19.156. A required or requested definitive plan may be reviewed and approved concurrently with the development permit.