

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014
RESOLUTION NO. 6765

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF CUPERTINO RECOMMENDING APPROVAL OF
A SPECIFIC PLAN AMENDMENT TO THE HEART OF THE CITY SPECIFIC
PLAN

The Planning Commission recommends that the City Council, in substantially similar form to the Draft Resolution attached hereto, as Exhibit SPA, adopt the proposed Specific Plan Amendments.

PASSED AND ADOPTED this ____ day of October 2014, at a Regular Meeting of the Planning Commission of the City of Cupertino by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Aarti Shrivastava
Assistant City Manager

Paul Brophy, Chair
Planning Commission

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014
RESOLUTION NO. 14-XXXX

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CUPERTINO APPROVING SPECIFIC PLAN AMENDMENTS
TO THE HEART OF THE CITY SPECIFIC PLAN

SECTION I: PROJECT DESCRIPTION

Application No: SPA-2014-01
Applicant: City of Cupertino
Location: Within the Heart of the City Specific Plan boundaries

SECTION II: ENVIRONMENTAL REVIEW PROCESS

WHEREAS pursuant to City Council direction to initiate a project to replenish, reallocate and increase citywide development allocations in order to plan for anticipated future development activity while keeping with the community's character, goals, and objectives and to consolidate development requests by several property owners for amendments to the General Plan, under a comprehensive community vision, and

WHEREAS, pursuant to State Housing Law, the City Council has directed staff to update the Housing Element of the General Plan and make associated zoning amendments to comply with State Law; and

WHEREAS, immediately prior to the Council's consideration of this Specific Plan amendment, and following the Commission's recommendation, the Council adopted Resolution No. 6761, adopting a General Plan Amendment covering the properties which are the subject of this Specific Plan amendment; and

WHEREAS, the Specific Plan amendment will be consistent with the City's General Plan land use map, proposed uses and surrounding uses; and

WHEREAS, the Rezoning application is part of the General Plan Amendment, Housing Element Update and Associate Rezoning, all as fully described and analyzed in the June 2014 General Plan Amendment, Housing Element Update, and Associated Rezoning Project Environmental Impact Report ("Draft EIR") (State Clearinghouse No. 2014032007), as amended by text revisions in the August 2014 General Plan Amendment, Housing Element Update and Associated Rezoning Project EIR Response to Comments Document ("Response to Comments Document") and the Supplemental Text Revisions dated October 8, 2014 (together, the "Final EIR");

WHEREAS, the Final EIR was presented to the Planning Commission on September 9, 2014 at a Planning Commission Study Session; and

WHEREAS, the Final EIR was presented to the City Council on October 7, 2014 at a City Council Study Session; and

WHEREAS, the necessary public notices have been given as required by the procedural ordinances of the City of Cupertino and the Government Code, and the Planning Commission held a public hearing on October 14, 2014 to consider the project; and

WHEREAS, based on substantial evidence in the administrative record, on October 14, 2014 the Planning Commission recommended that the City Council certify that the Final EIR has been completed in compliance with the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*, and reflects the independent judgment and analysis of the City, adopt the Findings and Statement of Overriding Considerations, and implement all of the mitigation measures for the Project that are within the responsibility and jurisdiction of the City that are identified in Findings, in substantially similar form to the Resolution presented (Resolution 6760); and

WHEREAS, on October 14, 2014, the Planning Commission recommended on a X-X vote that the City Council adopt the General Plan Amendment (GPA-2013-01), in substantially similar form to the Resolution presented (Resolution no. 6761); authorize staff to forward the Draft Housing Element to the State Department of Housing and Community Development for review and certification (GPA-2013-02); approve the prioritized list of potential Housing Element sites in the event amendments are needed to the proposed Housing Element sites upon HCD review, in substantially similar form to the Resolution presented (Resolution no. 6762); approve the Zoning Map Amendments, Z-2013-03, in substantially similar form to the Resolution presented (Resolution no. 6763); approve the Municipal Code Amendments to make changes to conform to the General Plan and Housing Element and other clean up text edits (MCA-2014-01) in substantially similar form to the Resolution presented (Resolution no. 6764); approve the Specific Plan Amendments (SPA-2014-01) in substantially similar form to the Resolution presented (Resolution no. 6765); and

WHEREAS, upon due notice, the City Council has held at least one public hearing to consider the amendments to the Municipal Code be granted; and

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

WHEREAS, prior to taking action on this Resolution, the City Council has exercised its independent judgment in carefully considering the information in the EIR and finds that scope of this Resolution falls within the previously certified EIR and that the rest of the amendments proposed in the Resolution do not constitute a project under CEQA, are exempt and no further environmental review is required; and

NOW, THEREFORE, BE IT RESOLVED:

After careful consideration of the, maps, facts, exhibits, testimony and other evidence submitted in this matter, the City Council hereby adopts:

1. Section 1.01.020.B of the Heart of the City Specific Plan be amended to read:
Residential density shall be per the General Plan Land Use and zoning maps. On sites with a mixed-use residential designation, residential is a permitted use only on Housing Element sites. Conditional use permits will be required for residential units on mixed-use

Housing Element sites that propose units above the estimates in the Housing Element, and on Non-Housing Element mixed-use sites.

In mixed residential and commercial developments, the preferred location for residential units shall be behind primary street fronting retail/commercial uses. Secondly, residential units may be located above the ground level on multi-story buildings. The amount of building space devoted to retail/commercial uses shall be such that the retail/commercial uses shall have a viable and substantial retail component; and

2. Section 1.01.030(A)(2) of the Heart of the City Specific Plan be amended to read:
The primary bulk of the building shall be maintained below a 1:1 slope line drawn from the arterial street cub line or lines in all areas subject to the Heart of the City standards except for the Crossroads area. See the *Crossroads Streetscape Plan* for details.
3. Update the Heart of the City Specific Plan Map as shown in Exhibit SPA-1.
4. Update the Heart of the City Specific Plan Zoning Map as shown in Exhibit SPA-2 to match the City's Master Zoning Map.

PASSED AND ADOPTED this ____ day of November 2014, at a Regular Meeting of the City Council of the City of Cupertino by the following roll call vote:

AYES:

NOES:

ABSTAIN:

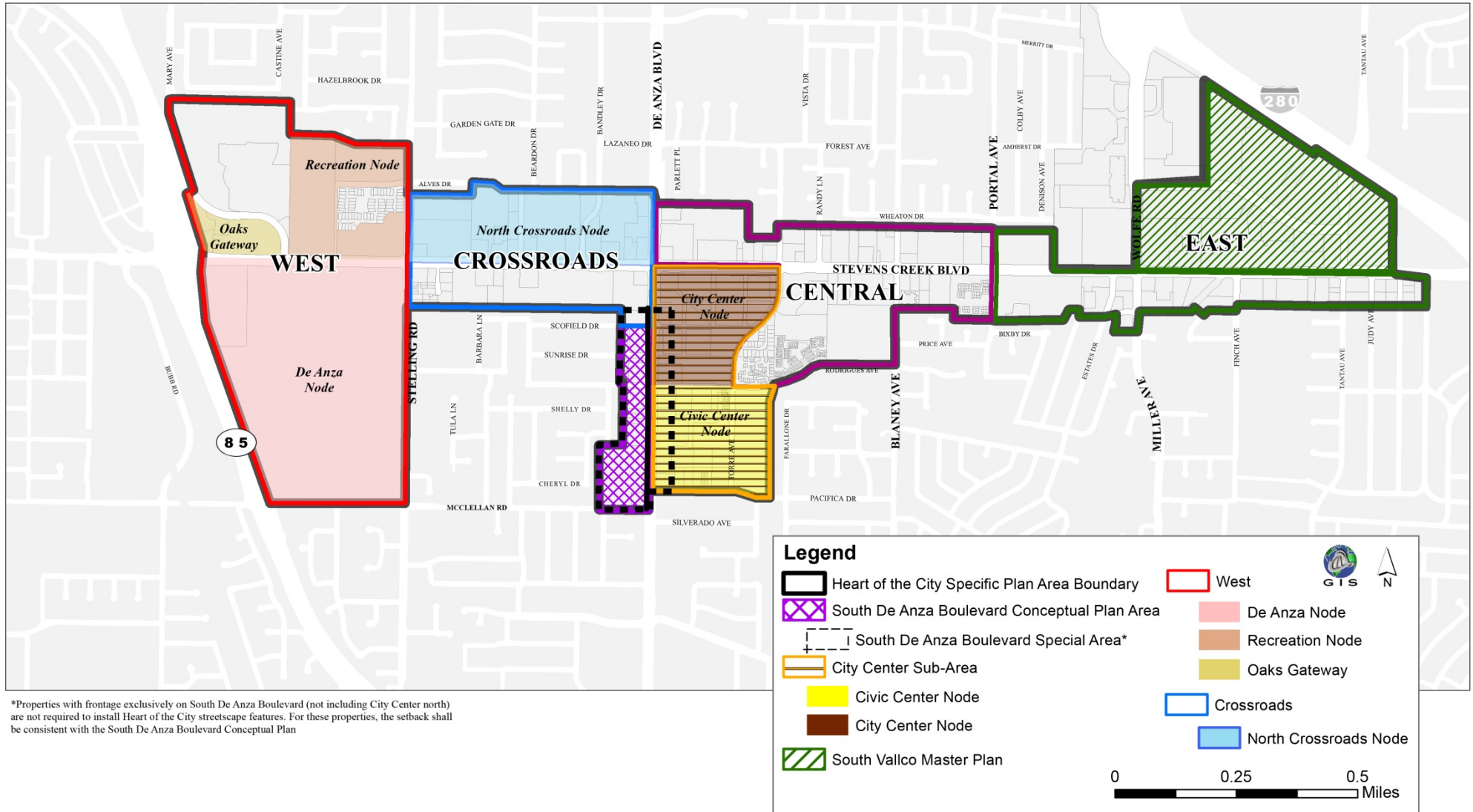
ABSENT:

ATTEST:

APPROVED:

Grace Schmidt
City Clerk

Gilbert Wong
Mayor, City of Cupertino



*Properties with frontage exclusively on South De Anza Boulevard (not including City Center north) are not required to install Heart of the City streetscape features. For these properties, the setback shall be consistent with the South De Anza Boulevard Conceptual Plan

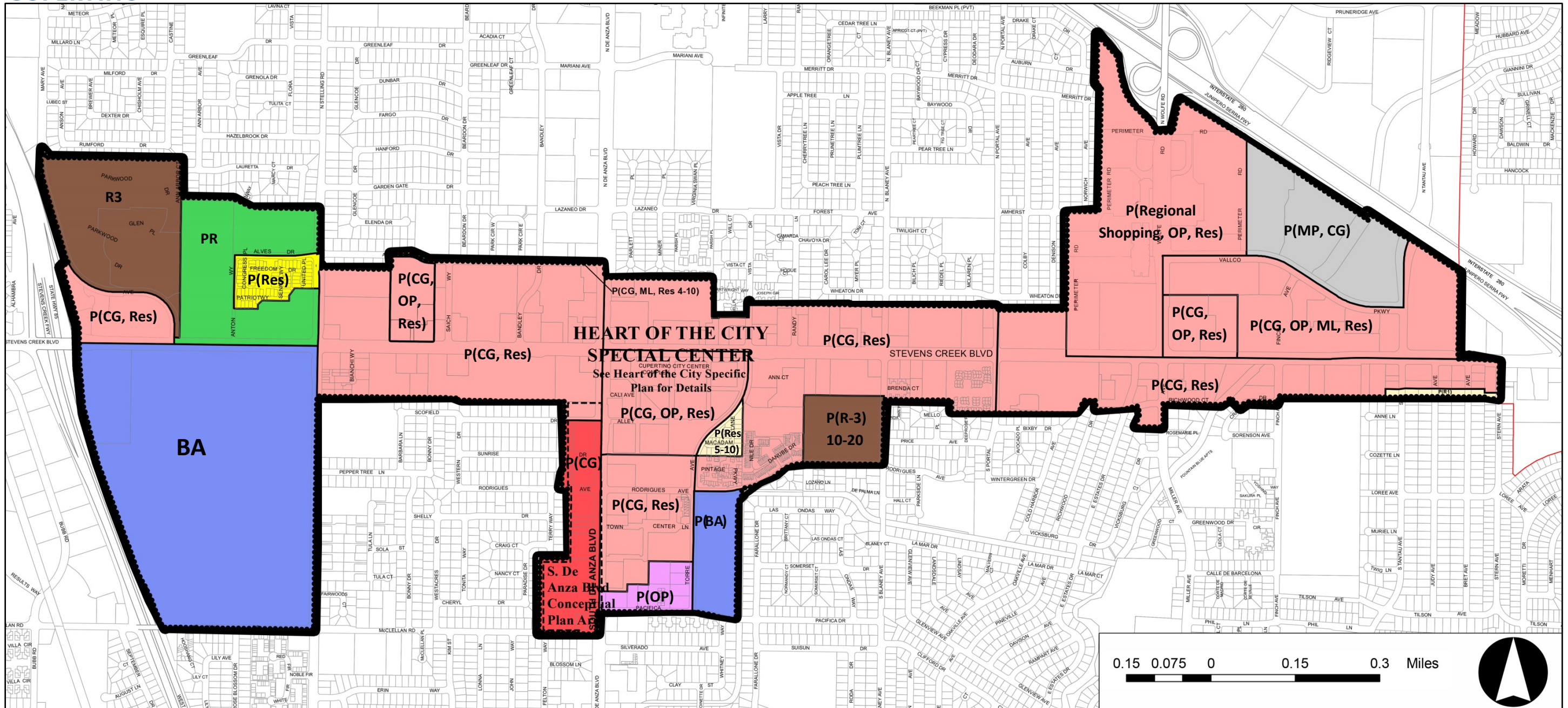


City of Cupertino

EXHIBIT SPA-2

Zoning Map – Heart of City Special Area

CUPERTINO



LEGEND

	- Heart of the City Specific Plan Area		OA/OP - Office / Planned Office
	A1 - Agricultural Residential		OS/PR - Open Space / Public Park / Recreational Zone
	BA - Public Building		R1 - Single Family Residential
	BQ - Quasi- Public Building		R1C - Single Family Residential Cluster
	CG - General Commercial		R2 - Residential Duplex
	ML - Light Industrial		R3 - Multiple Family Residential
	MP - Planned Industrial Zone		RHS - Residential Hillside
	P - Mixed Use Planned Development		T - Transportation