

CITY OF CUPERTINO  
10300 Torre Avenue  
Cupertino, California 95014

DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
CUPERTINO RECOMMENDING APPROVAL OF REZONING FOR PARCELS  
WITH THE VALLCO SPECIAL AREA

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The Planning Commission recommends approval of the rezoning to the City of Cupertino Municipal Code with the findings reflected in the Draft Ordinance attached hereto as Exhibit Z.

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PASSED AND ADOPTED this 4th day of September 2018, at a Special Meeting of the Planning Commission of the City of Cupertino by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

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Aarti Shrivastava  
Assistant City Manager

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Geoff Paulsen, Chair  
Planning Commission

ORDINANCE NO. 18-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CUPERTINO REZONING THE PARCELS WITHIN THE VALLCO  
SPECIAL AREA

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SECTION I: PROJECT DESCRIPTION

Application No: Z-2018-01

Applicant: City of Cupertino

Location: 10101 to 10333 N Wolfe Rd

APN#s: 316-20-080, 316-20-081, 316-20-103, 316-20-107, 316-20-101, 316-20-105,  
316-20-106, 316-20-104, 316-20-088, 316-20-092, 316-20-094, 316-20-099,  
316-20-100, 316-20-095

SECTION II: RECITALS

WHEREAS, the Housing Element of the Cupertino General Plan identifies the Vallco Special Area as being appropriate to accommodate at least 389 dwelling units to be developed pursuant to a specific plan for the Vallco Special Area; and

WHEREAS, the Vallco Special Area Specific Plan has been developed pursuant to City Council direction to initiate a project to prepare a specific plan for the Vallco Special Area, including any required changes to the adopted goals and objectives for the Special Area, in order to implement the Housing Element of the Cupertino General Plan and to plan for anticipated future development activity; and

WHEREAS, pursuant to the City Council direction to conduct extensive public outreach the City conducted multiple forms of public outreach including 14 small group Interviews, eight presentations, five open studio times, three brown bags, three EIR public comment meetings, three open houses, two student/youth outreach sessions, one online civic engagement survey, one Fine Arts Commission check-in/update, one Housing Commission check-in/update, one Parks & Recreation Commission check-in/update, one Teen Commission check-in/update, one Economic Development Committee check-in/update, one Block Leader Group check-in/update; and

WHEREAS, the Rezoning of parcels within the Vallco Special Area Specific Plan ("Rezoning") is part of the Vallco Special Area Specific Plan, all as fully described and analyzed in the May 2018 Vallco Special Area Specific Plan Environmental Impact Report ("Draft EIR") (State Clearinghouse No. 2018022021), as amended by the July 2018 Vallco Special Area Specific Plan Environmental Impact Report Amendment ("EIR Amendment") and by text revisions in the August 2018 Vallco Special Area Specific Plan Final EIR document which contains Response to Comments to the Draft EIR and the EIR

Amendment, and the August 2018 Supplemental Text Revisions to the Vallco Special Area Specific Plan Final Environmental Impact Report; (together, the “Final EIR”); and

WHEREAS, the Final EIR was presented to the Environmental Review Committee (“ERC”) for review and recommendation on August 31, 2018, and after considering the Final EIR, and Staff’s presentation, the ERC recommended that the City Council certify the EIR; and

WHEREAS, following necessary public notices given as required by the procedural ordinances of the City of Cupertino and the Government Code, the Planning Commission held a public hearing on September 4, 2018 to consider the Rezoning; and

WHEREAS, based on substantial evidence in the administrative record, on September 4, 2018 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 No. XXXX); and

WHEREAS, on September 4, 2018, the Planning Commission recommended on a X-X vote that the City Council adopt the Rezoning, in substantially similar form to the Resolution presented (Resolution no. \_\_\_\_\_); and

WHEREAS, immediately prior to the Council’s consideration of the Rezoning, following a duly noticed public hearing on September 18, 2018, the Council adopted Resolution No. XXX, adopting a resolution to adopt a General Plan Amendment to Development Allocations, the General Plan Land Use Map and development standards related to the Vallco Special Area, and the Council adopted Resolution No. XXX, adopting a resolution to adopt the Vallco Special Area Specific Plan; and

WHEREAS, the Rezoning will be consistent with the City’s General Plan land use map, proposed uses and surrounding uses as amended and the Vallco Special Area Specific Plan as adopted; and

WHEREAS, on September 18, 2018 and October \_\_, 2018, 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;

WHEREAS, after consideration of evidence contained in the entire administrative record, at the public hearing on September 18, 2018, the City Council adopted Resolution No. [####] certifying the Final EIR, adopting Findings and a Statement of Overriding

Considerations, adopting Mitigation Measures, and adopting a Mitigation Monitoring and Reporting Program.

WHEREAS, prior to taking action on this Ordinance, the City Council has exercised its independent judgment in carefully considering the information in the Final EIR and finds that the scope of this Ordinance falls within the certified Final EIR, in that the aspects of the Rezoning proposed in this Ordinance that have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment have been examined in the Final EIR and therefore, no recirculation of the Final EIR is required; and

### SECTION III

NOW, THEREFORE, BE IT ORDAINED 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 September 4, 2018, 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 Housing Element of the General Plan calls for the City to enact a specific plan to permit at least 389 dwelling units in the Vallco Special Area. The General Plan Amendment modifies the Land Use Element of the General Plan to designate late and define development standards that are consistent with the level of development contemplated in the Vallco Special Area Specific Plan. The proposed zoning amendments would designate land in the Vallco Special Area as a new Vallco Special Area Specific Plan zone to implement the General Plan and the Vallco Special Area Specific Plan, and therefore the proposed zoning is consistent with the General Plan and other relevant portions of the Municipal Code.*

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, in an Environmental Impact Report (EIR) prepared in accordance with the California Environmental Quality Act. On September 18, 2018, the City Council adopted Resolution no. \_\_\_\_ to certify that the Final Environmental Impact Report ("Final EIR")*

*for the Project; and adopting CEQA Findings, a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program, which Resolution together with the EIR is incorporated herein by reference. The significant environmental effects of the project have been fully analyzed and disclosed in compliance with CEQA. All mitigation measures identified in the Final EIR have been adopted and incorporated into the project to reduce the impacts of new development to the extent feasible. 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 sites being rezoned 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 development would need to provide the appropriate utilities to accommodate the development. In addition, in connection with the Vallco Special Area Specific Plan process, the site has been analyzed thoroughly to ensure that the site would not constrain future development proposed under this zoning designation. The proposed zoning would implement the Vallco Special Area Specific Plan, which includes development standards to require appropriate transitions from adjoining land uses.*

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

*The sites being rezoned will promote orderly development in the City by allowing a critical mass of development to be proposed along the City's Priority Development Area (PDA) in which future development is anticipated. This would also allow the easier applicability of zoning regulations adopted under the Vallco Special Area Specific Plan.*

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 these are conforming changes that are necessary to implement adopted changes in the Land Use Element of the City's General Plan. Additionally, where health or safety impacts have been identified in the Project's EIR, mitigation measures have been identified which would be applicable to any development on these sites.*

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 and is incorporated into the Master Zoning Map (Exhibit Z-2) of the City of Cupertino; and

Section 4. The City Council finds the Rezoning is within the scope of the EIR 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.

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**INTRODUCED** at a regular meeting of the Cupertino City Council the \_\_\_\_ day of \_\_\_\_\_ 2018 and **ENACTED** at a regular meeting of the Cupertino City Council on this \_\_\_\_ day of \_\_\_\_\_ 2018 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
Grace Schmidt  
City Clerk

**APPROVED:**

\_\_\_\_\_  
Darcy Paul, Mayor  
City of Cupertino

## EXHIBIT Z-1

APN	Current Zoning	New Zoning
316-20-080	P(CG)	Vallco Town Center
316-20-081	P(CG)	Vallco Town Center
316-20-088	P(Regional Shopping)	Vallco Town Center
316-20-092	P(Regional Shopping)	Vallco Town Center
316-20-094	P(Regional Shopping)	Vallco Town Center
316-20-095	P(Regional Shopping)	Vallco Town Center
316-20-099	P(Regional Shopping)	Vallco Town Center
316-20-100	P(Regional Shopping)	Vallco Town Center
316-20-101	P(Regional Shopping)	Vallco Town Center
316-20-104	P(Regional Shopping)	Vallco Town Center
316-20-105	P(Regional Shopping)	Vallco Town Center
316-20-106	P(Regional Shopping)	Vallco Town Center
316-20-107	P(Regional Shopping)	Vallco Town Center