



CITY ATTORNEY'S OFFICE

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366
CUPERTINO.ORG

PLANNING COMMISSION STAFF REPORT

Meeting: July 9, 2019

Subject

Study Session regarding status of Objective Standards Update to General Plan and Zoning Ordinance. FY-2019-2020 Work Program Item (Application No.: CP-2019-03; Applicant: City of Cupertino; Location: City-wide)

Recommended Action

That the Planning Commission conduct the study session, receive this report and provide direction to staff regarding moving forward with the Objective Standards Update to the General Plan and Zoning Ordinance.

Discussion

Background:

As part of the City Council's 2019/2020 Work Program, the City is undertaking an update to the General Plan and Zoning Ordinance to ensure that those documents include objective standards that can be readily understood and applied by project applicants, including streamlined and ministerial projects. Recent changes to State law provide that in some circumstances a development project may only be required to comply with objective standards in a city's or county's general plan and zoning, as opposed to applying standards that are subjective and open to interpretation.

The update is proposed in phases. In phase 1, areas where objective standards may be missing for the core elements of local land use: density, height, and setbacks have been identified. Phase 2 involves a more comprehensive assessment including input from the community and Planning Commission. This report provides the Planning Commission an update on the status of the project and seeks direction with respect to next steps.

At its regular scheduled public meeting on June 25, 2019, the Planning Commission reviewed the proposed items in Phase 1, made recommendations and provided direction to staff. The Commission recommended that three items in Phase 2 (items 8, 20, and 52) be moved from Phase 2 into a new "Phase 1.5." The rest of the items in Phase 2 were continued to a future meeting for further discussion.

Analysis:

Phase 1 Review

The Phase 1 review identified areas in which the General Plan or Zoning can be strengthened to add objectivity. These are presented in Attachment 1 and include amendments to the General Plan's "Community Form Diagram" (Figure LU-2, General Plan pages LU-16-17; included as Attachment 2) to clarify some elements of that diagram, and zoning ordinance amendments to clarify the development standards that apply in the "P" zone. These amendments are relatively straightforward and could be pursued immediately. The Planning Commission's recommendations from its June 25, 2019 meeting regarding these Phase I items are indicated on Attachment 1.

In addition, the Commission asked for further explanation regarding "Proposal (b)" in the row corresponding to General Plan Figure LU-2, footnote 3. General Plan Policy LU-21.1 (North De Anza Special Area Conceptual Plan) states, "Amend the North De Anza Conceptual Plan to create a cohesive set of land use and streetscape regulations and guidelines for the North De Anza area." Although the intended plan would have applied to both sides of De Anza, in apparent response to comments submitted by property owners, the plan was only applied to the west side. The conceptual plan recommended by the Planning Commission for adoption, and adopted by the City Council in 1976, was thus applied only to the west side of the N. De Anza Special Area. The contemporaneous staff report suggests an intention to incorporate the east side at some future date. Since that time, development of the east side of N. De Anza Blvd. has largely mirrored the west side, partly as the result of conditions of approval. The staff report for the June 25, 2019 Planning Commission meeting identified this plan in particular because (1) whereas a large landscape easement on the west side of N. De Anza Blvd. has been adopted, no objective standard exists for the landscape easement on the east side; (2) setbacks from the residential structures on the east side are not clear; and (3) updating the existing conceptual plan to apply the existing standards to the east side would be relatively straightforward.

In addition, the staff report for the June 25, 2019 Planning Commission meeting stated that the City could review previously adopted mitigation measures to identify those generally applicable to new development, and develop an objective method for imposing them while avoiding burdening classes of projects to which they would not apply, as a practical matter. Staff indicated that this would take some time but should be considered during the Phase 1 timeline as opposed to the Phase 2 timeline.

Phase 1.5 Review

At its June 25, 2019 meeting, the Planning Commission recommended that items 8, 20, and 52 from the Phase 2 list (Attachment 3) be made a higher priority than the other Phase 2 items, without impacting the timeline for developing the Phase 1 items and proposing

them for adoption. Item 8 relates to developing objective requirements such as height limits and decreased density in all specific plan areas. Item 20 refers to an existing Housing Commission Work Program on Extremely Low Income (“ELI”) Policy. Item 52 refers to definitions and requirements in the Municipal Code regarding park land. This Phase would be presented to City Council with Phase 1 for consideration for immediate evaluation, creation, and implementation. Additional City resources should be provided if this Phase is approved by City Council.

Phase 2 Review

The Planning Commission has had three meetings to discuss potential objective standards and has invited public comment on topics to be addressed as part of the comprehensive review. Attachment 3 is a table listing the topics that have been suggested to date together with preliminary notes from staff.

Several of the proposed topics are not merely amendments to existing zoning standards or to fill gaps in objective standards but would include development of new policy. These amendments are more far-reaching and will require additional analysis and discussion. As noted above, the development of objective design guidelines is recommended to ensure that projects proposed would meet the community’s vision for developments as opposed to any design ethic proposed by an applicant which would have to be approved due to lack of objective standards.

Summary of Questions for Planning Commission to Address:

In summary, direction is sought for the following:

- Does the Planning Commission wish to forward its recommendations regarding Phase 1 and Phase 1.5 to City Council for consideration?
- Does the Planning Commission wish to recommend for inclusion in Phase 1 or Phase 1.5 a review of previously adopted mitigation measures to identify those generally applicable to new development, and development of an objective method for imposing them while avoiding burdening classes of projects to which they would not apply?
- Does the Planning Commission have direction or any prioritization with respect to the remaining topics to be evaluated as part of the Phase 2 process?

Next Steps

This item will be heard by the City Council at a future meeting date and Planning Commission’s direction will be incorporated for final direction from the Council.

Prepared by: Seph Petta, Deputy City Attorney

Reviewed by: Richard Taylor, Assistant City Attorney

Approved for Submission by: Benjamin Fu, Director of Community Development

Attachments:

- 1 – Phase 1 General Plan and Zoning Objective Standards Analysis
- 2 – General Plan Figure LU-2
- 3 – Topics under Consideration for Phase 2 General Plan and Zoning Objective Standards Process