

New Phase 1.5 – General Plan and Zoning Objective Standards Analysis

I. General Plan

Comment from Public	Staff Proposal/Comment	PC Recommendation
A. <u>Land Use/Community Design</u>		
1. Have requirements for all Specific Plan Areas such as height, decrease density to match allocations in Table LU-1, removed expired allocations, create residential specifically zoned areas outside of mixed use clearly defined.	a. Every part of the city already has height limitations except the Vallco Shopping District Special Area. b. Reductions in density may be limited by state housing laws.	Move to new Phase 1.5 from Phase 2. Have requirements for all Specific Plan Areas such as height, density, conform with allocations in Table LU-1 and remove expired allocations.
		Seek clarification for "create residential specifically zoned areas outside of mixed-use clearly defined"
B. <u>Housing</u>		
1. Policy for shelters	Existing Strategy HE-5.1.1 is related to Emergency Shelters. Should the Council wish, it could adopt a strategy related to Permanent Shelters. This could be part of Existing FY 2019/2020 Work Program Item: Housing Strategies.	Move to new Phase 1.5 from Phase 2. Add categories "including but not limited to: victims of domestic violence, battered women, etc."
2. Policy for ELI	Existing FY 2019/2020 Work Program Item: Housing Strategies.	Move to new Phase 1.5 from Phase 2.

Comment from Public	Staff Proposal/Comment	PC Recommendation
C. <u>Parks</u>		
1. Define requirements in park deficient areas - Define park deficient areas - Show on maps	The City's Parks Master Plan is working on identifying these. The policies and strategies in the Parks Master Plan (once adopted) can be implemented when reviewing all projects, whether streamlined and ministerial or discretionary projects.	Move to new Phase 1.5 from Phase 2.
2. Define recreation area (is it an aquatic center, gym, basketball court, badminton facility) - Show on maps - Show population density expected to use		
3. Future population policies to maintain park land ratios	a. Adopting policies related to future population to maintain park land ratios would require additional research to determine if feasible. b. The Quimby Act states that jurisdictions can require up to 5 acres for every 1,000 residents within a city's boundaries. c. Identifying park land areas for future acquisition in park deficient areas should be identified in the Parks Master Plan, including those areas developed in jurisdictions that were subsequently annexed into the City (such as the Santa Clara County for the Rancho Rinconada development). Such policies could include identifying areas of the neighborhood	Move to new Phase 1.5 from Phase 2.

Comment from Public	Staff Proposal/Comment	PC Recommendation
	where parks could potentially replace existing homes.	
4. Review in parallel with the coming Quimby Act requirements	The City's current Ordinance complies with the Quimby Act and staff is not aware of changes to the Quimby Act at the state level.	Move to new Phase 1.5 from Phase 2.
d. Include community garden space in park land requirements for all new residential developments. Define requirement.	The City's existing General Plan Strategy RPC-2.5.3 encourages community gardens. Should the Council wish to require this, an update is required to this strategy to replace "encourage" with "require" and objective standards might be placed in the Municipal Code.	Move to new Phase 1.5 from Phase 2.
e. Define park land -Size and shape requirements - Requirements to developers to dedicate park land acreage as a development criteria	a. The definition or characteristics of parkland may be in the Parkland dedication chapter. b. Objective standards related to parkland dedication may be identified in the Parkland dedication chapter of the Muni Code, but should evolve from the policy requirements in the Parks Master Plan.	Move to new Phase 1.5 from Phase 2.
f. Review of Park Land Dedication policy: Should include objective definition of "recreational facility" as well as grade-level land requirements and alternatives. The park land requirement should scale with the size of the proposed project	a. Definition of recreational facilities and the area of need for one should be identified in the Parks Master Plan. b. Parkland definition based on objective characteristics may be in the Parkland dedication chapter of the Municipal Code.	Move to new Phase 1.5 from Phase 2.

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	<p>Park Land dedication requirements currently scale with the size of the project. The State Quimby Act, however, prohibits parkland dedication requirements for developments with 50 units or less. But the city can impose common and private open space requirements on site as are required by the City's Municipal Code with Chapter 19.36 or with the Heart of the City Specific Plan.</p>	
<p>g. "Parks" defined in a useful way including the need to be on grade, not falsely elevated. Reinforce language that defines AND enforces requirements for 'real parks' to meet goals of acres per density of any given area of the city, and vicinity to parks.</p>	<ul style="list-style-type: none"> a. The definition or objective characteristics of park land may be in the Park Land dedication chapter of the Municipal Code. b. Identifying park land areas for future acquisition in park deficient areas should be identified in the Parks Master Plan, including those areas developed in jurisdictions that were subsequently annexed into the City (such as the Santa Clara County for the Rancho Rinconada development). Such policies could include identifying areas of the neighborhood where parks could potentially replace existing homes. 	<p>Move to new Phase 1.5 from Phase 2.</p>

II. Zoning Code/Manuals

Comment from Public	Staff Proposal/Comment	PC Recommendation
A. <u>Miscellaneous</u>		
1. Clarify impact fee exemptions: Current regulations are ambiguous on whether a project owes parkland, BMR, and traffic impact fees. There should be an explicit default for each fee and each class of development that might be assessed, including regular construction, BMR homes, ADUs, and any other categories.	a. BMR Housing Mitigation fee exemptions are identified in Section 2.1 of the BMR Housing Mitigation Program Procedural Manual available online at: https://www.cupertino.org/home/showdocument?id=9788 . b. Traffic Impact Fees are assessed for all development allowed under the current general plan. Exemptions are identified in Section 14.02.060 of the Municipal Code. c. Applicability of Park Land Dedication requirements are in Chapter 13.08 of the Municipal Code.	Move to new Phase 1.5 from Phase 2.