



## COMMUNITY DEVELOPMENT DEPARTMENT

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### CITY COUNCIL STAFF REPORT

Meeting Date: October 1, 2019

#### **Subject**

Study Session regarding status of the 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), provide direction to staff (continued from 9/18/19).

#### **Recommended Action**

That the City Council receive this report, staff presentation, and public comment, and provide direction to staff.

#### **Discussion**

##### **Background:**

The City Council reviewed this item CP-2019-03 as a study session at the September 18, 2019 special meeting. A variety of topics were discussed, and the City Council gave direction to proceed with the items listed in Phase I. The City Council continued discussion of the other two Phases to this October 1, 2019 regular meeting in order to provide direction to staff on the items listed.

Recent changes to State law provide that housing development projects may in some circumstances only be required to comply with objective standards in a city's general plan and zoning, as opposed to standards that are subjective and whose application involves the use of discretion. The City Council's FY 2019/2020 Work Program includes an item to update the General Plan and Zoning Ordinance to ensure that those documents include objective standards that can be readily understood and applied to all projects.

The Planning Commission has had two meetings to discuss potential objective standards and invited public comment on the topics to be addressed as part of the review. The Planning Commission considered the items identified by staff as needing clarification and the items proposed by members of the public, including Planning Commissioners and City Councilmembers, at its regular scheduled public meetings on June 25, and July 9, 2019. The Commission's recommendations are incorporated into the Attachments to

this staff report. This report provides the City Council an update on the project and seeks direction with respect to next steps.

#### Analysis:

A review of the General Plan and the Municipal Code indicates that there are some items that would benefit from clarification and updates. However, due to the number and complexity of topics identified as needing clarification by the public, and upon a review of available staffing, these updates are proposed to be completed in phases.

#### *Phase 1 Topics*

Review of the General Plan and Zoning Ordinance identified areas in which the development standards in these documents can be strengthened to add objectivity. These are presented in Attachment A and include amendments to the General Plan's "Community Form Diagram" (Figure LU-2, General Plan pages LU-16-17; included as Attachment A.1) to clarify some elements of that diagram, and zoning ordinance amendments to clarify the development standards that apply in the "P" zone. Except the amendment to the North De Anza Conceptual Plan, these amendments are relatively straightforward and could be pursued immediately. The Planning Commission's recommendations and follow-up staff comments regarding these Phase 1 items are indicated on Attachment A. Changes made after the September 18, 2019 study session are shown in track changes.

#### *Phase 1.5 Topics*

The Planning Commission recommended the creation of a new Phase 1.5, which would include some items originally in Phase 2. Phase 1.5, as identified in Attachment B, includes items that the Planning Commission believes merit more emphasis and immediate attention than the rest of the items in Phase 2, with the understanding that these still involve comprehensive assessment and would require additional staffing resources. Two of the items could potentially be folded into an existing FY 2019/2020 Work Program item related to Housing Strategies or with the upcoming Housing Element update. It should be noted that amendments to the Housing Element would require consultation with the CA Department of Housing and Community Development (HCD).

#### *Phase 2 Topics*

Attachment C is a table listing the topics that have been suggested by members of the public (including Planning Commissioners and City Councilmembers) and includes preliminary notes from staff. The items that the Planning Commission has recommended be moved to Phase 1.5 are shown in ~~strikeout~~. There are 55 items on the list, with the Planning Commission recommending deletion of six items and moving 11 to a Phase 1.5.

In addition, the City has received additional comments which have been included as Attachment D for the Council's consideration.

Several of the proposed topics are not merely amendments to existing zoning standards or strengthening objective standards, but would include development of new policy. This includes development of policy that is not in the purview of the Community Development Department (e.g. Solar Retrofitting City property policy.) Development of new policy would require more staff time that is not anticipated with the current FY2019/2020 Work program. These projects would involve comprehensive assessment, including input from the community and determining the necessity for, and appropriate level of, environmental review. For instance, the development of objective design guidelines that apply to mixed-use multi-family or residential development continues to be recommended as one of the top Phase 2 items to ensure that projects proposed would meet the community's vision for developments as opposed to the design ethic proposed by an applicant. In the absence of objective design guidelines, streamlined and ministerial projects in certain circumstances would have to be approved as proposed, if they meet the basic land use regulations for height, density and setbacks, with no regard for architectural design.

Conclusion:

The following questions are posed to help the City Council focus the discussion and determine the final list of projects it wishes to pursue.

1. **Does the City Council wish to proceed with items in Attachment A (Phase 1)?**  
It is expected that several of the items in Attachment A can be completed within four months. The only exception is updating the North De Anza Conceptual Plan, which could take between 18-24 months to complete to ensure adequate public outreach, environmental review and engagement.
2. **Does the City Council wish to proceed with the items listed in Attachment B (Phase 1.5)?**  
If the Council wishes to proceed with the items in Attachment B in a near-term phase, depending on the scope of the final projects, staffing needs will be brought for the Council's consideration to ensure timely completion of the projects.
3. **Are there any items in Attachment C (Phase 2) that the City Council wishes to delete from the list?**
4. **Which of the items in Attachment D (Other comments) does the City Council wish to be added to either Attachment A, B or C?**

**5. Which of the items from Attachments C and D related to the development of new policy does the City Council wish to pursue?**

Since some of the proposed items in Attachments C and D are development of new policy and therefore, outside the scope of the authorized Work Program item and associated budget, if the Council wishes to proceed with these items, these would be new Work Program items and deleted from this list. A preliminary scope of work and budget will be presented to the Council for working on these items when deciding on the amended Work Program.

Additionally, if the Council wishes to pursue any of the non-Community Development Department items in Attachment C, these will be communicated to that Department for future study with the City Council. For e.g., a solar retrofitting city property policy suggested could be led by the Sustainability Department, Public Works, Parks and Recreation and the City Manager's Office.

In addition, of the items that are related to the current Work Program, if the Council wishes to move up any of the items to a near-term phase, it should consider staffing necessary to ensure timely completion of the projects.

**6. Does the City Council wish to reprioritize the items?**

Phase 1 items will commence shortly. Phase 1.5 items will likely commence in 6-12 months while Phase 2 items will be incorporated over time into future Work Programs. Upon the Council's reprioritization, staffing needs will be assessed and presented, depending on how many items are in each Phase and the time frame within which these tasks are expected to be completed.

**Environmental Impact**

If the Council directs staff to start work to implement the Phase 1 projects, that work will include determining the necessity for, and appropriate level of, environmental review. For all other items, this will be determined once the scope and timeline of each project is finalized.

**Sustainability Impact**

No sustainability impact.

**Fiscal Impact**

The fiscal impact for each of the items will be brought forward when the City Council authorizes the work for each individual project. This may or may not include requests for additional staffing needs to ensure timely completion of the projects.

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Reviewed by: Benjamin Fu, Director of Community Development

Approved for Submission by: Deborah Feng, City Manager

Attachments:

- A. Phase 1 General Plan and Zoning Objective Standards Review Items (with redline edits as directed by Council on 9/18/19)
  - A.1 General Plan Figure LU-2 – includes amendments adopted by Council on August 20, 2018 with Resolution 19-110
- B. Recommended Phase 1.5 Items
- C. Recommended Phase 2 Items
- D. Summary of other comments received