



COMMUNITY DEVELOPMENT DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: February 2, 2021

Subject

Consider modifications to the Procedures for Processing General Plan Amendment Applications to implement the Fiscal Year 2020/21 City Work Program items related to quality of life. (Application No. CP-2020-003; Applicant: City of Cupertino; Location: City-Wide).

Recommended Action

That the City Council:

1. Find the action is exempt from CEQA and
2. Adopt Resolution No. ____ Amending the Procedures for Processing of General Plan Amendment Applications (Attachment A)

Discussion

Background

Upon a request by Councilmembers Paul and Chao, Staff presented the General Plan Amendment Authorization Procedures to the City Council as a Study Session item, at the July 7, 2020 City Council meeting.¹ At the session, Council provided direction for amending the procedures for the General Plan Amendment Authorization Process.

Council provided direction on items including:

- Inclusion of the Planning Commission in the authorization process
- Frequency of General Plan Amendment Authorization application windows
- Ability of applicants to return a non-authorized project for review
- Application to include information related to traffic, school, and community impacts

¹ Staff Report and Attachments available online at:
<https://cupertino.legistar.com/LegislationDetail.aspx?ID=4583361&GUID=D412CDA7-A72C-40CA-8D7D-BD3771CAE839&Options=&Search=>

Updating the General Plan Amendment Authorization Procedures was then included as part of the Fiscal Year 2020/21 Work Program. Adoption of this resolution will complete this Work Program item.

Analysis

Based on the direction received from the City Council at its July 7, 2020 Study Session and Planning Commission recommendations, amendments have been proposed to the General Plan Amendment Authorization Procedures (see Attachment B showing redline changes). The table on the following page summarizes the changes proposed to the Procedures.

Process and Procedure	Existing	Proposed
Timing and Processing of General Plan Amendment Authorization Applications	Twice a year	No Change* <i>*Based on Planning Commission's Recommendation at the January 12, 2021 hearing</i>
Application Timing/Submittal	Designated Date (typically May and November)	No Change
Planning Commission Review	None	Provide Recommendation to Council
City Council Meeting	Required	No Change
City-Wide Postcard Mailing	Required	No Change
Project Evaluation	Including, but not limited to, the following: - Site and Architectural Design and Neighborhood Compatibility - Net Fiscal Impacts - Provision of affordable housing - Environmental Sustainability - General Plan Amendments Requested - Proposed Voluntary Community Amenities - Staff time and resources to process the project	Existing Project Evaluation and - Traffic Impacts - Expected Student Generation
Authorized Project Processing	(Authorized/Not Authorized)	No Change
Resubmission of Non-Authorized Projects with Minor Amendments	May be resubmitted within 30 days to be heard by City Council	- May be resubmitted within 6 months. - Re-notice - Reviewed by Planning Commission and City Council.

Process and Procedure	Existing	Proposed
Voluntary Community Amenities	Defined as facilities, land and/or funding contributions to ensure enhanced quality of life. Examples include: - Public open space - Public facilities and utilities - Transportation facilities	No Change
Preliminary Review Requirement	- Plans - Description/graphics of GP Amendments and approvals - Explanation of how project meets overall goals of GP and benefits the community - Summary of net fiscal impacts - Term sheet explaining any voluntary community benefits offered	No Change
Modification to the General Plan Amendment Requests	None	- Allow one-time re-application to modify the intensity of amendments - To be heard at a publicly noticed meeting by Council - Citywide postcards

Attachment D and E indicate the proposed and existing application workflows, respectively.

Planning Commission Meeting

Planning Commission approved the Staff's recommendation, with the exception of the frequency at which an application for General Plan Amendment Authorization can be made, on a 5-0-0 vote with Resolution No. 6915 (see Attachment C). Staff's recommendation for the frequency at which an application for General Plan Amendment Authorization can be made was once-a-year authorization application window based on the City Council's comments from the July 2020 Study Session. The Planning Commission, however, recommended allowing applications to be submitted twice a year on a 3-2 vote (Wang and Saxena voting no)².

The Planning Commission discussed several topics including:

- Frequency of application (once a year vs. twice a year)

² Planning Commission's first motion was to allow applicants to apply once annually but that failed on a 2-3 vote (Fung, Takahashi, and Kapil voting no).

- Proposed addition of Planning Commission review of General Plan Amendment Authorization application
- Processing of requested modifications for authorized projects
- Clarification that the applicant bears the cost of processing applications
- Potential impact of multiple applications on City Staffing resources
- Importance of meaningful engagement of the public in the process (before and after submittal)
- Reapplication by applicants whose General Plan Amendment Authorization projects were not authorized to proceed
- Discussion of what is considered “minor amendments” with respect to non-authorized projects that are brought back for reconsideration.

Environmental Review

Find that the proposed Resolution is not a project within the meaning of section 15378 of the California Environmental Quality Act (“CEQA”) Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately; and further find that in the event that the Resolution is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment. Approval of the Procedures for Processing of a General Plan Amendment Application does not approve any development or changes in the environment. Projects authorized to proceed with a General Plan amendment through these procedures will be evaluated in compliance with CEQA.

Public Noticing & Outreach

The following noticing has been conducted for this project:

Notice of Public Hearing, Site Notice & Legal Ad	Agenda
<ul style="list-style-type: none"> ▪ Legal ad placed in newspaper (at least 10 days prior to hearing) ▪ Display ad placed in newspaper (at least 10 days prior to hearing) 	<ul style="list-style-type: none"> ▪ Posted on the City's official notice bulletin board (four days prior to hearing) ▪ Posted on the City of Cupertino's Web site (four days prior to hearing)

Additionally, Staff updated the project website with the proposed modifications, www.cupertino.org/gpaaauthorizations, with a notification to the email list. Staff also presented proposed modifications at the December 4th Legislative Action Committee. Postcards were mailed citywide to notify residents of the project and hearing dates for Planning Commission and City Council.

Sustainability Impact

The proposed ordinance has no sustainability impact.

Fiscal Impact

There are no fiscal impacts to the City's General Fund for the process update. In the existing and proposed regulations, all General Plan Amendments Authorization applications are to provide a description of net fiscal impacts, and all applications receive a fiscal analysis by the City's economic consultant.

NEXT STEPS

Upon final decision by the City Council, the resolution will be effective immediately.

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Albert Salvador, Acting Director of Community Development

Approved for Submission by: Dianne Thompson, Assistant City Manager

ATTACHMENTS:

- A. Draft Resolution CP-2020-003
- B. Redlines
- C. Planning Commission Resolution No. 6915
- D. Proposed Workflow
- E. Existing Workflow