



COMMUNITY DEVELOPMENT DEPARTMENT
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CITY COUNCIL STAFF REPORT

Meeting: September 1, 2015

SUBJECT

Policy establishing procedures for authorizing the processing of GPA applications

RECOMMENDED ACTION

Recommend that the City Council:

1. Adopt Resolution No. 15-078 adopting procedures for authorizing the processing of General Plan amendment applications (Attachment A).

DESCRIPTION

Application No.: CP-2015-02
Applicant: City of Cupertino
Property Location: City-wide
Project Description: City Project for City Council to consider adopting a policy and resolution establishing procedures for authorizing the processing of General Plan Amendment applications

BACKGROUND

On May 19, 2015, the City Council adopted the 2014-2022 Housing Element, decided not to make any additional changes to the development allocations, building heights and building planes related to the 2040 General Plan, General Plan, and reviewed a potential policy for authorizing General Plan Amendment (GPA) applications. Background information on the policy for processing GPAs included a white paper on programs to manage development in cities including Berkeley, Santa Monica, San Diego, Mountain View and Morgan Hill (Attachment B).

At that meeting the Council provided the following direction on the proposed policy to establish procedures for processing GPA applications:

- Directed staff to present additional details on programs that require community benefits such as the Cities of Mountain View and Morgan Hill;
- Deferred the decision on the policy for approximately 90 days; and
- Placed new GPA applications on hold until a decision is made on the policy.

On June 30, 2015, the City hosted an Open House on the proposed procedures for General Plan amendment applications and a Study Session with the City Council (see Attachment C for staff report). At the Study Session, a white paper (Attachment D) prepared for the Council meeting, provided the pros and cons of various incentive zoning, growth allocation and land use regulation models and provided general guidance on developing a policy that addressed Cupertino's concerns and particular needs for managing growth.

Based on the pros and cons for the different programs administered by the various cities, staff presented a policy for processing applications for GPAs, which was also recommended at the May 19 City Council meeting (Attachment E). This is discussed in detail further in this staff report.

At the study session, the Council directed staff to consider the following changes to the proposed policy:

- Consider allowing General Plan amendment applications twice a year;
- Consider allowing the Council to provide direction to applicants and a possibility of a "second chance" for their proposed project before the next review cycle;
- Move forward with a policy versus an ordinance at this time.

As noted in previous staff reports, in reviewing options to consider procedures for authorizing processing of GPA applications, the following criteria should be considered:

- Ability to achieve orderly development of the City through a managed process;
- Ensure that additional development can achieve/improve facility/service and quality of life standards for the community;
- Provide opportunity for early community input;
- Ease of implementation; and
- Impact on staff and other resources.

DISCUSSION

This report focuses on the following:

- A description of the current procedure for processing GPA applications;
- A description of the procedures proposed in May and June 2015 and
- A description of the revised recommended policy on processing GPAs.

Current Procedure for Processing General Plan Amendment Applications

Currently, GPA applications are processed as they are received. Project review is completed concurrently to ensure that other aspects of the General Plan and zoning regulations are met by the project. If a Development Agreement is sought by the applicant,

one is negotiated at this time, including any items that are offered by the applicant as community benefits. Environmental review for the proposed project is processed concurrent with project review. Upon completion of the environmental and project review, public hearings are scheduled with the Planning Commission and City Council for a final decision on the environmental review, project, proposed General Plan Amendments and Development Agreement, if any.

Public input notification is provided through neighborhood noticing, legal notices for meetings and site signage. Public input is sought through neighborhood meetings and at hearings at the Planning Commission and City Council. However, since each application is processed separately, neither the Council nor the public have a chance to get a preliminary look at the applications before they are processed.

Therefore, the current process is not as transparent, does not allow comparison of applications, received and being processed, in a given year, does not consider issues such as early public input, achievement of key City goals, and time and resource requirements, prior to processing these applications. Additionally, since each application is reviewed separately applicants do not compete for authorization with other projects.

Original Recommendation for Processing General Plan Amendments Applications

Under the procedure proposed originally at the June 30, 2015 study session, GPA applications would not be processed as follows:

- 1) All GPA applications would have to be submitted by a certain date every year in order to be considered for processing that year.
- 2) The GPA applications would be scheduled for a Council meeting once a year, at which the Council would authorize applications for processing.
- 3) Public input would be sought by sending a city-wide postcard and providing project information on the City website.
- 4) Project information would include conceptual plans, community amenities, General Plan amendments sought and other features proposed by applicants.
- 5) The Council would consider the following criteria when deciding whether or not to authorize GPA applications:
 - a) General Plan goals achieved by the project;
 - b) Quality of architectural and site design;
 - c) Fiscal impacts of the project;
 - d) Affordable housing provided by the project;
 - e) General Plan amendments (and/or other variances) sought by the project; and
 - f) Voluntary community amenities provided by the project

- 6) The Council decision would authorize the applicant to submit an application for the GPA. It would not guarantee approval of projects. Projects authorized to proceed, would then be processed as they are currently. Council's final decision on each project would be made after reviewing all aspects of the proposal including site and architectural design, environmental review, public input, etc.
- 7) If multiple GPA projects were authorized for processing, each project would be reviewed and staff would ensure that they were brought for Council review in a manner that would not exceed four GPAs per calendar year. Projects could also be bundled together as needed so as not to exceed four per year.
- 8) Projects not authorized in the current annual period would have to re-apply, potentially with changes, for consideration during a subsequent annual period.

Attachment F is a flowchart comparing the current process with the procedures proposed in June 2015.

Revised Recommendation for Processing General Plan Amendments Applications

Based on Council input, the recommended process is largely the same as the original recommendation above. However, some of the procedures would be amended as follows:

- 1) GPA applications would be considered by the Council twice every year;
- 2) Applications that are allowed to a "second chance" to be re-considered at a continued hearing by the City Council to submit revisions/additional information within 30 days.
- 3) Applications that are rejected would wait for a year before re-applying (i.e. they would not be allowed to re-apply in the 6 month subsequent cycle).

Both the original recommendation and the revised recommendation would provide additional transparency and opportunity for early input in the processing of General Plan Amendment applications and would require applicants to propose a competitive application.

Attachment G provides a flowchart of the revised recommendation. Attachment H provides a comparison table of the proposed procedures from June 2015 and the currently proposed procedures.

Staff and Other Resources

The anticipated volume of General Plan Amendment applications will require additional staff resources. The new procedure could require even more staffing depending on the complexity of the process approved by the Council.

PUBLIC NOTICING, OUTREACH AND COMMENTS*City Council Study Session– June 30, 2015*

The table on the following page summarizes the noticing for this meeting:

Notice	Agenda
<ul style="list-style-type: none"> ▪ Courtesy email sent to all interested parties signed up through the project website ▪ Newspaper Display Ad (at least <i>10 days prior to hearing</i>) 	<ul style="list-style-type: none"> ▪ City's official notice bulletin board (<i>6 days prior to the hearing</i>) ▪ City of Cupertino's website (<i>6 days prior to the hearing</i>) ▪ Project website (<i>5 days prior to hearing</i>)

ENVIRONMENTAL IMPACT

The recommendation is for the City Council to adopt procedures for authorization to proceed with processing General Plan Amendment applications and the procedures themselves do not result in a direct or reasonably foreseeable indirect physical change to the environment and is, therefore, not a project under the California Environmental Quality Act (CEQA) or is exempt under 14 Cal. Code Regs. §15061(b)(3).

FISCAL IMPACT

As noted earlier in the staff report, the recommended process would require additional staffing. A portion of the cost is expected to be recovered by application and cost-recovery fees.

NEXT STEPS

If the Council adopts the policy, a deadline for the first annual review of applications will be established and the policy will be implemented for all applications received thereafter. If the Council decides not to adopt the policy for authorization of General Plan amendment applications, the City would continue with the current procedure of processing General Plan amendment applications as they are submitted. In addition, a staffing plan will be brought to the Council at a subsequent meeting based on the Council's decision.

Prepared by: Piu Ghosh, Senior Planner

Reviewed by: Aarti Shrivastava, Assistant City Manager

Approved for Submission by: David Brandt, City Manager

Attachments:

A – Draft Resolution 14-078 of the City Council of the City of Cupertino Adopting Procedures for Authorizing General Plan Amendment Applications

B – White Paper on Development Management Programs dated 05/08/15

C - June 30, 2015 City Council Staff Report

D - Supplemental White Paper on Development Management programs dated 06/24/15

E – Proposed Policy for Procedures for Authorizing General Plan Amendment Applications dated 06/30/2015

F - Flowchart comparing the current and originally proposed procedure for processing General Plan amendment applications

G - Flowchart showing the revised recommendation for processing General Plan amendment applications

H – Comparison table of proposed procedures from June 2015 and currently proposed procedures