



OFFICE OF COMMUNITY DEVELOPMENT

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PLANNING COMMISSION STAFF REPORT

Agenda Item No. _____

Agenda Date: September 22, 2015

Application: GPA-2015-01, Z-2015-01 (EA-2013-03)

Applicant: City of Cupertino

Application Summary: Citywide amendments to Community Vision 2040 (General Plan). The General Plan amendments address proposed policy, text and figure edits including, but not limited to updates, corrections, clarifications, and re-organization. These changes are located throughout the General Plan including, but not limited to, land use, transportation, environmental and waste management, community services, infrastructure, parks, and open space and community benefits goal, policies, strategies, figures and appendices. In making recommended changes to the General Plan, the Planning Commission will refer to the City's policies in the prior General Plan (2000 – 2020) as a point of comparison and related CEQA action.

Actions related to 10950 N. Blaney Avenue (Mirapath property): Change of General Plan designation from Industrial/Residential to Industrial/Commercial/Residential and associated Municipal Code Amendment to rezone the property at 10950 N. Blaney Avenue from Light Industrial with special development conditions (ML-fa) to Planned Development with Light Industrial and General Commercial uses (P(ML,CG)) and related CEQA action.

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and adopt Resolutions recommending that the City Council adopt:

1. Amendments to Community Vision 2040 (General Plan) as shown in the Draft Resolution (See Attachment 1) to make:
 - a. Changes and corrections to the General Plan (including Appendices) goals, policies and strategies,
 - b. Changes and corrections to the General Plan figures in Chapter 2, Planning Areas, Chapter 3, Land Use and Community Design, Chapter 5, Mobility and Chapter 8, Infrastructure and inclusion of Neighborhood and Special Area maps in Chapter 2,

Planning Areas and the Noise Contours map in Appendix D, Community Noise Control Fundamentals

- c. Change to the General Plan Land Use Map to change the land use designation of property located at 10950 N. Blaney Ave from Industrial/Residential to Industrial/Commercial/Residential
2. An Ordinance to rezone property located at 10950 N. Blaney Ave from Industrial/Residential to Industrial/Commercial/Residential per the Draft Resolution (See Attachment 2)

BACKGROUND:

On May 19, 2015, the City Council reviewed the Final 2014-2022 Housing Element and the General Plan for potential changes to development allocations for commercial, office and hotel uses, building heights and building planes, and the proposed policy for establishing procedures for processing General Plan Amendment (GPA) applications.

At that meeting the Council directed staff to prepare a comparison of the goals, policies and strategies of the General Plan (2000 – 2020) adopted in 2005 (2005 General Plan) and 2040 Community Vision and work with community members and interested community groups. The scope of the exercise was to identify text from the 2005 General Plan that could be incorporated to ensure consistency with the goals, policies and strategies in Community Vision 2040. The scope of the project did not include:

1. Revisions to policies related to the 2014-2022 Housing Element and densities, heights and land use already contemplated and adopted as part of Community Vision 2040 (except for the Mirapath property discussed further later in this report),
2. Revisions to policies and strategies in Community Vision 2040 which are inconsistent with the policies and strategies in the 2005 General Plan or
3. Additions of new policies and strategies not a part of the 2005 General Plan.

DISCUSSION:

General Plan Text Edits

Comparison tables comparing the goals, policies and strategies in the 2005 General Plan to the goals, policies and strategies in the Community Vision 2040 were made available on June 9, 2015 (see Attachment 3). Comments were collected through July 31, 2015 (See Attachment 4).

The comments submitted by the community can be classified into four categories:

1. Comments requesting inclusion of certain 2005 policies – e.g. Jobs/Housing Balance, View Preservation, Housing Impact (on schools), Planning for Schools; Traffic Service and Land Use Development (Level of Service thresholds).
2. Comments that address items outside the scope of the project including:
 - a. Wanting to amend existing policies – e.g. wanting to change the policy on granting additional height for retail development in the South Vallco Park Special Area, wanting additional height in the North De Anza Specific Plan Area;
 - b. Proposing additional/new policies;
 - c. Proposing that policies related to the Vallco Shopping District be eliminated; and
3. Comments requesting rescission of the resolution adopting Community Vision 2040 adopted in December 2014 including policies related to the redevelopment of the Vallco Shopping District Special Area.

In addition, staff reached out to interested individuals and groups to arrange meetings to discuss their ideas related to incorporating text from goals and policies in the 2005 General Plan. Staff also had several meetings with interested parties through July, August and September 2015 during which input was collected regarding inclusion of specific language from the 2005 General Plan into the goals, policies and strategies of the Community Vision 2040 document. Based on the online and written comments, meetings with interested parties, and staff review of the document, recommendations for corrections, clarifications, and re-insertion of language from the 2005 General Plan are being made for the Planning Commission's consideration.

Revisions were made to the tables based on the input from the meetings with interested parties and comments from the public regarding the form and content of the comparison tables (See Attachment 5.) However, where public comments conflicted with the scope of the project, these recommendations have not been incorporated. Additional revisions recommended by staff to ensure internal consistency or correct errors in the document have also been incorporated. The recommended revisions do not include additions of new policies or strategies or amendments to heights, densities or other development regulations for any parcels (except the land use designation for the Mirapath property, discussed later.)

The amendments being recommended can be categorized in five categories:

1. Re-insertion of 2005 General Plan text, policies or strategies

In many cases, this category of changes includes the insertion of phrases and words from the 2005 General Plan to ensure that the intent has not changed.

The changes areas are mostly summarized as follows, but are not limited to those identified below.

- a. Revise name of document from “Community Vision 2040” to “Cupertino General Plan (Community Vision 2015-2040) - requested by community group
- b. Introduction – re-insertion of words and phrases;
- c. Land Use and Community Design – Re-insertion of policies on Multiple-Story Buildings and Residential Districts, Jobs/Housing Balance and Library Service. Insert language including but not limited to, Policy LU-12.4 (Hillside Views), Strategy 27.6.1 (Provision of Outdoor Areas), Policy LU-9.1 (Collaboration with Business Community);
- d. Mobility – Reinsertion of text in Policy M-1.1 (Regional Transportation Planning), Policy M-1.2 (Transportation Impact Analysis) related to LOS standards, Policy M-10.3 (Multi-Modal Improvements), Policy M-7.2 (Protected Intersections), Policy M-2.2 (Adjacent Land Use), Policy M-8.2 (Land Use), and Goal M-5. Re-insertion of Strategy on Suburban Road Improvement Standards and Policy on Traffic Calming;
- e. Environmental Resources and Sustainability – Reinsertion of Strategy on Community Gardens. Re-insertion of text in Goal ES-3;
- f. Infrastructure – Reinsertion of text in Strategy INF-8.1.1 (Outreach); and
- g. Recreation, Parks and Community Services – Reinserted text related to the Library and library services in Policy RPC-6.2 (Partnerships) and Policy RPC-5.2 (Pedestrian and Bicycle Paths).

2. Re-organization

These changes include the relocation of two strategies in the Infrastructure Element and text relocation in the Health and Safety Element.

- a. Strategy INF-1.1.3 (Private Development) which discusses how private development funds infrastructure, will be moved from Policy INF-1.1 (Infrastructure Planning) to support Policy INF-1.4 (Funding) and renamed Future Infrastructure Needs;
- b. Strategy INF-7.3.2 (Construction Waste) will be moved from Policy INF-7.3 (Operations) to support Policy INF-8.1 (Reducing Waste); and
- c. Narrative text included in Strategy HS-7.4.3 that provides background information about a Community Rating System (CRS) program the City participates in related to floodplain management will be relocated to the text portion of Chapter 7, Health and Safety, under the Flood Hazards section with the grammatical edits shown.

3. Corrections.

These include typographical errors, grammatical errors, corrections to headings for Policies and Strategies. In addition, corrections were made to policies including, but not limited to:

- a. Policy LU-14.5 (Oaks Gateway Node) where the allowed uses are corrected to remove office uses since the scope of the GPA Environmental Impact Report did not study office uses at the Oaks Gateway Node;
- b. Policy 2-31 (Conceptual Plan) where an incorrect reference to the South De Anza area was made a policy related to the Homestead Road Special Area;
- c. Policy LU-22.1 (Conceptual Plan) where the text incorrectly described the merger of two existing Conceptual Plans;
- d. Policy LU-12.3 (Rural Improvement Standards in Hillside Areas) which was incomplete;
- e. Policy LU-1.3 (Community Benefits Program) and associated Strategies LU-1.3.1 through LU-1.3.3 which were removed since the Council decided on May 19, 2015 not to adopt the program; and
- f. Policy M-9.2 (Reduced Travel Demand) where the title heading was correct but it reference text related to Synchronization of Traffic Signals. The text under the policy has been updated with the correct text related to effective Transportation Demand Management Programs which will aid in the reduction of travel demand.

4. Clarifications

These include clarifications in the text to existing policies and strategies to ensure that the intent of the language is clear. These include, but are not limited to, clarifications made to:

- a. Policy LU-3.37 (Street Interface) where text was added to make the distinction that the desired street interface is dependent on the type of development proposed – active uses for mixed-use development and residential in residential developments;
- b. Policy M-4.3 (Connecting Special Areas) clarified to ensure enhanced transit services to connect all Special Areas;
- c. Policy M-2.4 (Community Impacts) where specifics regarding areas where support for alternative modes of transportation were removed since these should be citywide;
- d. Policy ES-4.2.2 (Home Occupations) adding clarifying language that home occupation refers to home-based businesses;
- e. Goal ES-7 adding clarifying text that the goal pertains to all water resources, including stormwater, creeks, ground water etc.;

- f. Strategy HS-5.1.3 (Geologic Review) adding text to ensure continued maintenance of geologic review procedures;
- g. Policy HS-6.2 (Proximity of Residents to Hazardous Materials) clarified that exposure to hazardous materials will be assessed, and approved only if it can be mitigated to an acceptable level of risk, when any sensitive populations (including infirm, seniors and children populations) are proposed in existing industrial or manufacturing areas;
- h. Policy INF-7.3 (Operations) clarified that agencies and property owners can only be encouraged to exceed regulatory waste diversion requirements. They are required to meet the requirements as a matter of daily operations; and
- i. Policy IN-7.4 (Funding) clarified text that various funding sources will be explored to fund existing and future infrastructure needs

5. Internal consistency

These changes relate to the following:

- a. Changes that result in the removal of language due to the deletion of Policy LU-1.3 (Community Benefits Program) and its associated strategies in the Land Use Element. These changes appear throughout the Land Use Element and include policies LU-15.1.3, LU-16.1.3, LU-19.1.9, LU-3.2 (Building Heights and Setback Ratios), LU-23.4, LU-20.3; and
- b. Appendix A – addition of a new land use category. For additional details, please see section on *General Plan Land Use Map Edits* below.

General Plan Figure Edits

The changes to the General Plan Figures include changes in the following categories:

1. Clarification/Corrections:

- a. Figure LU-1 - Community Form Diagram: A few clarification/corrections were made to the Community Form Diagram including, but not limited to:
 - i. Boundary correction for the Monta Vista Special Area;
 - ii. Clarifying the density for Stelling Gateway East;
 - iii. Addition of a Neighborhoods Special Area box to clarify density in the Neighborhoods and in Neighborhood Commercial sites within the neighborhoods; and
 - iv. Incorporation of language related to Rooftop Mechanical Equipment from Figure 2-D of 2005 GP.
- b. Figure M-2 – Circulation Network: Update the legend to include “Expressway”

- c. Figure INF-1 – Waste Water Service: Clarify the area where properties may not connect to the Cupertino Sanitary District service and must develop on septic systems.

2. New Figures:

- a. Neighborhood and Special Area figures – These figures provide contextual reference of existing land uses for each of the neighborhoods and Special Areas; and
- b. Noise Contour map – Figure D-2 provides the noise contours for the 2040 time frame and has to be included per General Plan law. The figure was prepared subsequent to the Council decision on May 19, 2015 on the General Plan and 2014-2022 Housing Element.

General Plan Land Use Map Edits

As part of the General Plan Amendment requests by the different property owners, the City received a request from Mirapath, the property owner for 10950 N. Blaney Avenue (APN: 316 03 041), for a revision to their land use designation to add the Commercial designation to their site. The amendment is being requested because the site is small and cannot incorporate industrial uses successfully. The General Plan Land Use designation is proposed to be revised from Industrial/Residential to Industrial/Commercial/Residential. Staff is recommending the amendment. The amendment will allow the site to be used for commercial office and continue to allow light manufacturing uses. Additionally, because the site is adjacent to an existing commercial land use, the permitted land use would be compatible with uses in the surrounding area.

While there is an existing land use category on the Land Use Map for Industrial/Residential/Commercial uses, the corresponding land use category did not exist in the 2005 General Plan or in Appendix A of Community Vision 2040. The following changes are proposed in order to ensure that this is properly documented in the General Plan Land Use Map and General Plan (Community Vision 2015 – 2040) document:

1. Re-categorize the existing “Industrial/Residential/Commercial” designation on the Land Use Map to “Industrial/Commercial/Residential,” and
2. Add a new land use category to Appendix A, Land Use Definitions, to incorporate this new category allowing Industrial/Commercial/Residential uses which would allow commercial uses as a secondary use or in a compatible combination on the site as long as it is not in conflict with the allowed uses in the Special Area the site is located in.

The change to the Land Use designation of this parcel was considered by the City Council on December 4, 2014; however, the Council decided to wait and did not adopt the change at that time. On May 19, 2015, the City Council directed staff to present the proposed

change to the City Council at a later date. This change is being recommended concurrent with the General Plan Text and Figure amendments.

ENVIRONMENTAL IMPACT

The California Environmental Quality Act (CEQA) requires all State and local agencies to consider the consequences of projects that may have a physical effect on the environment over which they have discretionary authority.

An EIR was prepared for the majority of the proposed General Plan Amendments and for the proposed rezoning in accordance with the requirements of CEQA, and the Final EIR was certified on December 4, 2014. The Final EIR analyzes the significant environmental effects of the General Plan Amendment, Housing Element Update, and Associated Rezoning Project, and all of the mitigation measures identified in the Final EIR were adopted by the City and incorporated into the previously approved project. There have been no substantial in the project or changes with respect to the circumstances under which these changes would be undertaken, and there has been no discovery of new information of substantial importance that would require major revisions to the Final EIR due to new or substantially increased significant environmental effects. Therefore, an Addendum is proposed to be adopted. The proposed changes have been evaluated by Placeworks in the Addendum to the Final EIR (see Attachment 6), and the analysis indicates that the proposed changes either fall within the scope of the EIR or will not create any new or substantially more severe significant effects on the environment.

The Addendum concludes that proposed revisions to the General Plan involve reinstating, reformatting, and revising references to 2005 General Plan text, and were either fully described and analyzed in the 2014 EIR or involve only clarifications, amplifications or minor revisions to the text and figures of the General Plan that do not alter the meaning of the revised text or figures and would not result in new adverse physical effects. Therefore, the proposed General Plan Amendment, would not require major revisions to the Final EIR due to new or substantially increased significant environmental effects. The Addendum provides analysis and cites substantial evidence that supports the City's determination that the General Plan Amendment does not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Sections 15162 and 15163, and that the revisions and reinstating references to the 2005 General Plan text do not have any physical impact on the environment, including no increases in Greenhouse Gas emissions, no increased impacts to Biological Resources, no impacts to aesthetics, no generation of additional criteria pollutant emissions from stationary and mobile sources, no reductions in water quality, no impacts to mineral resources or no new adverse impacts related to noise and vibration, no impacts to public services and no impacts to public utilities. The changes

related to the re-insertion of language related to LOS thresholds in the Mobility Element were metrics used to analyze potential project impacts in the Final EIR, and the modifications do not result in impacts to the circulation system.

The Addendum will be reviewed by the Environmental Review Committee for a recommendation in early October prior to the City Council's final decision on the project.

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Reviewed by:

Approved by:

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City Planner

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ATTACHMENTS:

Attachment 1: Draft Resolution recommending General Plan Amendment

Attachment 2: Draft Resolution recommending Rezoning

Attachment 3: Comparison Tables dated June 9, 2015

Attachment 4: Comments from the public

Attachment 5: Comparison Tables dated September 10, 2015

Attachment 6: Addendum