

DRAFT ORDINANCE NO. 15-2135

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
REZONING A 0.98 ACRE PARCEL FROM LIGHT INDUSTRIAL WITH
SPECIAL DEVELOPMENT CONDITIONS (ML-fa) TO PLANNED
DEVELOPMENT ZONING DISTRICT WITH LIGHT INDUSTRIAL AND
COMMERCIAL USES P(ML, CG)

SECTION I: PROJECT DESCRIPTION

Application No: Z-2015-01

Applicant: City of Cupertino

Location: 10950 N. Blaney Avenue (APN: 316 03 041)

SECTION II: RECITALS

WHEREAS, immediately prior to the City Council's consideration of this rezoning, and following the Commission's recommendation, the City Council adopted Resolution No. 15-087, adopting a General Plan Amendment to amend the land use designation of the property which is the subject of this rezoning ordinance from Industrial/Residential to Industrial/Commercial/Residential; and

WHEREAS, the rezoning will be consistent with the City's General Plan land use map, proposed uses and surrounding uses; and

WHEREAS, the proposed rezoning was described and analyzed in the General Plan Amendment, Housing Element Update, and Associated Rezoning Project Environmental Impact Report (State Clearinghouse No. 2014032007) certified on December 4, 2014 ("Final EIR"); and

WHEREAS, the necessary public notices were given as required by the procedural ordinances of the City of Cupertino and the Government Code, and the Planning Commission held a public hearing on September 22, 2015 to consider the project; and

WHEREAS, on September 22, 2015, the Planning Commission reviewed and considered the information in the administrative record, staff report, and all oral and written testimony presented to Planning Commission including the Final EIR and the Addendum and on a 5-0 vote recommended adoption of the Addendum and the General Plan Amendments related to the approval of the proposed policy, text and figure edits. On the issue of the change of the land use designation of the property located at 10950 N. Blaney Ave (APN: 316 03 041), the Planning Commission recommended approval on a 4-1 vote (Lee: no); and

WHEREAS, the necessary public notices were given as required by the procedural ordinances of the City of Cupertino and the Government Code, and the Environmental Review Committee held a public hearing on October 1, 2015 to consider the Addendum; and

WHEREAS, on October 1, 2015, the Environmental Review Committee reviewed and considered the Addendum and recommended that the City Council find that the Final EIR and the Addendum, together comply with the requirements of CEQA and adopt the Addendum on a 3-0 vote (2 absent); and

WHEREAS, upon due notice, the City Council has held at least one public hearing on the amendment to the Zoning map and on the rest of the project approvals on October 20, 2015; and

WHEREAS, the City Council has determined that the proposed rezoning does not meet the criteria for preparing a subsequent or supplemental EIR under Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163; and,

WHEREAS, an Addendum to the Final EIR has therefore been prepared pursuant to CEQA Guidelines Section 15164 for the rezoning in order to analyze the rezoning along with proposed General Plan text and map revisions; and

WHEREAS, the Addendum provides analysis and cites substantial evidence that supports the City's determination that the rezoning will 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, does not result in the 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; and

WHEREAS, the proposed rezoning would not require major revisions to the Final EIR due to new or substantially increased significant environmental effects. There have been no substantial changes with respect to the circumstances under which the Rezoning would be undertaken that would require major revisions of the Final EIR due to new or substantially increased significant environmental effects, and there has been no discovery of new information of substantial importance that would trigger or require major revisions to the Final EIR due to new or substantially increased significant environmental effects; and

WHEREAS, prior to the City Council's consideration of the rezoning, the City Council adopted Resolution No. 15-087 adopting the Addendum for the project; and

WHEREAS, the City Council finds the following:

1. That the proposed zoning is in accord with the Municipal Code and the City's General Plan (Community Vision 2015 – 2040)

The proposed zoning is consistent with the General Plan as amended by Resolution No. 15-087. These changes are conforming changes to make the City's zoning map conform to the land use.

2. The proposed zoning is in compliance with the provisions of the California Environmental Quality Act (CEQA).

The proposed rezoning was described and analyzed in the General Plan Amendment, Housing Element Update, and Associated Rezoning Project Environmental Impact Report (State Clearinghouse No. 2014032007) certified on December 4, 2014 ("Final EIR"); all mitigation measures identified in the Final EIR have been adopted and incorporated into the project to reduce the impacts of new development to the extent feasible. In addition, an Addendum to the Final EIR for the rezoning and the approved General Plan Amendment was prepared, which analyzes the proposed rezoning and concludes that the proposed rezoning does not meet the criteria for preparing a subsequent or supplemental EIR under Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163.

3. The site is physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s).

The site being rezoned has access to utilities, is located on the valley floor, and does not have any physical constraints to development. To the north of the property is about 2 acres of property zoned Planned Development Zoning District with General Commercial Uses [P(CG)]. Therefore, the addition of the commercial zoning designation to this property would further improve compatibility of the property with adjoining uses.

4. The proposed zoning will promote orderly development of the City.

The sites being rezoned will promote orderly development in the City by allowing similar land uses to be located compatibly. As previously, mentioned, the property located to the north of the subject property is zoned Planned Development Zoning District with General Commercial Uses [P(CG)]. Addition of the General Commercial Zoning Designation to this property would allow compatibility of the property with adjoining uses and therefore, promote orderly development of the City and easier applicability of zoning regulations.

5. That the proposed zoning is not detrimental to the health, safety, peace, morals and general welfare of persons residing or working in the neighborhood of subject parcels.

The proposed zoning is not detrimental to the health, safety, peace, morals and general welfare since these are conforming changes. Where potential environmental and human health impacts were identified in the Final EIR, mitigation measures were adopted to reduce the impacts to the extent feasible.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

That after careful consideration of the Final EIR and Addendum, maps, facts, exhibits, testimony, public comment, and other evidence submitted in this matter, the City Council based upon the findings described above, the public hearing record and subject to the following, finds:

Section 1. That the property shown/described in Exhibit Z-1 (attached) shall have a zoning designation as shown.

SECTION III: CEQA REVIEW

An Environmental Impact Report and Addendum was prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq.*

INTRODUCED at a regular meeting of the Cupertino City Council the 20th day of October 2015 and **ENACTED** at a regular meeting of the Cupertino City Council on this ____ day of _____ 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

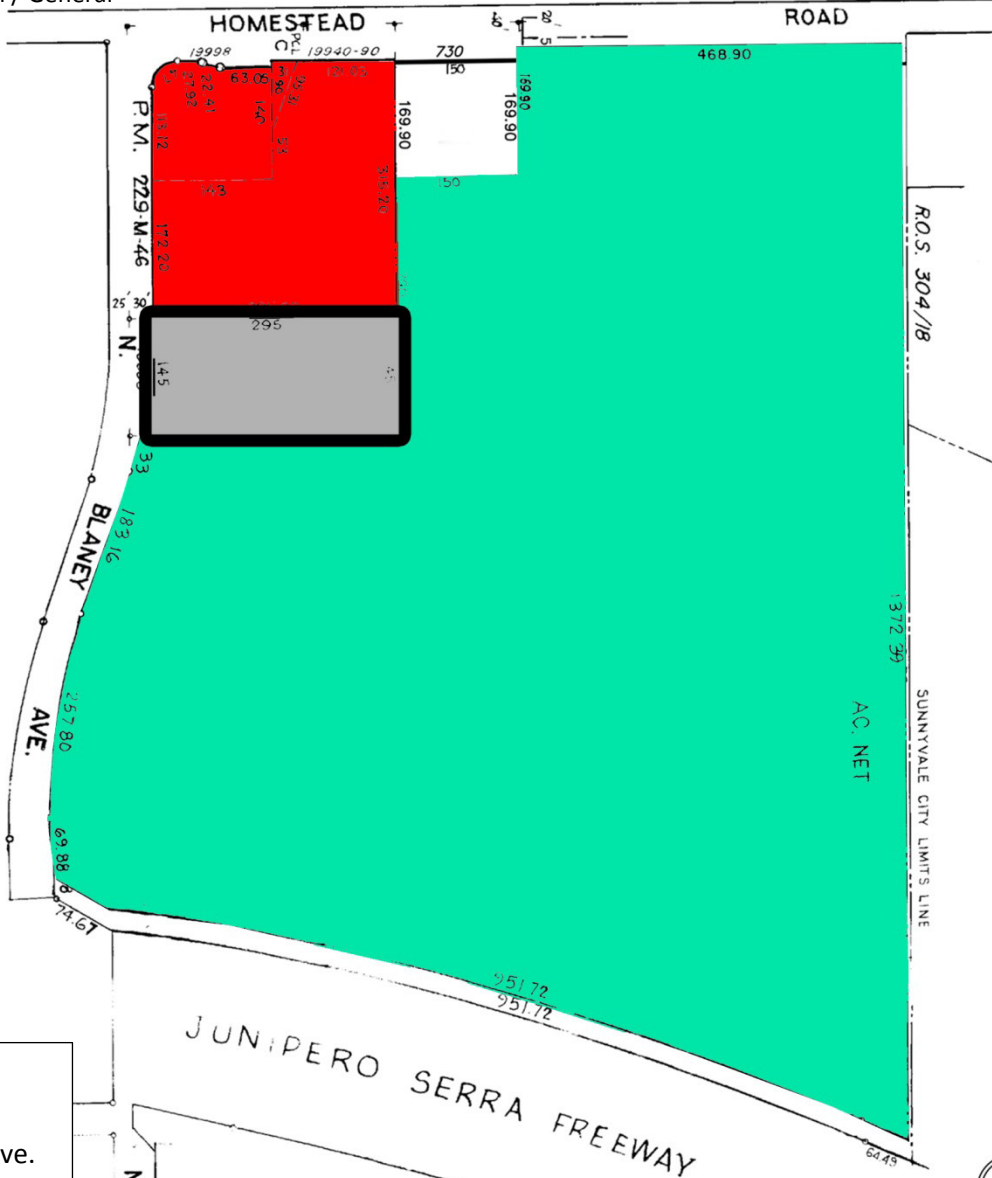
Grace Schmidt, City Clerk

Rod Sinks, Mayor,
City of Cupertino

715998.2

LEGEND

- Quasi-Public Building (BQ)
- Planned General Commercial, P(CG)
- Planned Light Industrial / General Commercial, P(ML, CG)
- Subject Property



PROPERTY DETAILS:

APN: 316-03-041
 Address: 10950 N. Blaney Ave.
 Acreage = 0.98

ZONE CHANGE

From: Light Industrial (ML – fa)
 To: Planned Light Industrial / General Commercial, P(ML,CG)