

From: [Piu Ghosh](mailto:Piu.Ghosh)
To: ["Jon_Willey@amat.com"](mailto:Jon_Willey@amat.com)
Subject: RE: Questions On The Vallco Specific Plan And The SB35
Date: Wednesday, July 18, 2018 3:11:00 PM

From: Jon_Willey@amat.com [mailto:Jon_Willey@amat.com]
Sent: Wednesday, July 18, 2018 1:25 PM
To: Piu Ghosh <PiuG@cupertino.org>
Subject: RE: Questions On The Vallco Specific Plan And The SB35

Hello Piu,

Below are the questions that I am still needing clarification on. I have put your answers in red next to the initial questions and then my second questions in blue.

Thank you,
Jon

1. The rules for Vallco are specified in the General Plan – clarify/confirm

- The General Plan says Vallco requirements are per a developer Specific Plan that is to be reviewed and either approved or rejected by the City Council - clarify/confirm

PIU 1. A. Specific Plan development - the GP does not solely require that the specific plan be developed by a developer for the Council's consideration.

Jon 1. A. Can the City Council reject the Sand Hill Specific Plan that is submitted for Vallco?]

There is no Specific Plan submitted by Vallco at this time. Sand Hill has submitted a project for approval. So long as they meet all objective planning standards and objective design review standards, the City has to approve the project without any public hearings or any actions that will in any way "inhibit, chill or preclude the ministerial approval" provided for under SB 35. More information online at: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB35.

- The Specific Plan is to detail the building heights, building mass, building locations, public spaces, and uses, and so the City Council can accept or reject the Specific Plan - clarify/confirm

Piu 1. B. The City Council can adopt, either a developer prepared, or city prepared specific plan.

Jon 1.B. If the City Council does not like the Sand Hill Specific Plan building heights, building mass, building locations, public spaces and uses, can the City Council reject the Specific Plan?

There is no Sand Hill Specific Plan submitted with the City. See response to #1.A. above.

- For there to be Residential and Office at Vallco, the site must be rezoned which is to be approved by the City Council . . . but Vallco consists of about 7 parcels, so does the City have to rezone all the parcels or can the City Council rezone just specific parcels to add Residential and rezone just specific parcels for Office, and leave some parcels as Retail only?

Piu 1. C. Rezoning for the site is subject to state law requirements and subject to direction and

approval by the Council. Do note that the entire Vallco Shopping District is considered a Housing Priority Site.

Jon 1.C. Does the City Council have to rezone all parcels at Vallco for Office buildings/uses, does the City Council have to rezone all parcels at Vallco for Residential buildings/uses?

It is at the Council's discretion for the Vallco Specific Plan but if the SB 35 plan is approved by the City, no Council action is required for Sand Hill to approve the project or initiate construction.

2. In the Cupertino Scene article and from what I have read for the SB35 law, it appears that the developers project must meet the General Plan requirements . . which would then indicate that the City Council does have the authority to reject building heights, site density, and amounts of Residential Units and Office space . . . is that correct?

Piu 2. When the SB 35 project was submitted the only applicable GP standards were the allocations for non-residential development (note that a Density Bonus concession has been requested for a reduction in the retail allocation) and residential density (35 du/acre, in addition to which a 35% Density Bonus has been requested.)

Jon 2. Per the SB35 Law, does the City Council have the authority to reject the building heights, site density, and which parcels the City Council wants Office Space on and which parcels the City Council wants Residential Units on?

SB 35 FAQs are in development. Please refer to those. What Sand Hill has submitted is NOT to be confused with a Specific Plan. Sand Hill has submitted a project. Since there is no adopted specific plan, they can devise any rules they want to for development, so long as they do not run afoul of any objective planning standards in place when the project was submitted. (see answer above.) In general, there is NO discretion in the review of this project. At this time, the only review allowed is objective design review. Examples of objective design review might be: Roof tile must be red. All buildings must be painted purple and yellow.

3. For Marina, the site is ~8 acres and about ½ was designated for the hotel and about ½ was designated for the residential. Then for the residential half, the four acres at 35 units per acre and with the added bonus for low income, the allowed RU's was then 188 units. But for Vallco to come up with 2400 Residential Units, I think it would require the full 50 acres to be used in the calculation. This seems to indicate that the Vallco developer is being treated very differently than Marina . . . please clarify.

Piu 4. In the case of the Marina development, the hotel parcel was a separate parcel and not considered a Housing Element site. For the Vallco development, the entire site 58 acres is considered a Housing Element site; however currently ~56 acres is developable. The other +/-2 acres is under construction with the Hyatt Hotel.

Jon 3. Who decided the Hotel Site was separate from the other site? When the City specified which sites were Housing Element sites, did they specifically say the second Marina parcel was not included or did the City say the "Marina site" was a Housing Element site and not specifically specify one piece from the other piece . . . and then the developer did not object when he did his calculations for just the one parcel?

The Hotel site was clearly not a Housing Element site and not contemplated to be used for residential purposes in the General Plan EIR (as best as I can recall.) The City has identified the Assessor Parcel Numbers (APNs) that are Housing Element sites. Please check the General Plan at: www.cupertino.org/gp.

-----Original Message-----

From: Piu Ghosh [<mailto:PiuG@cupertino.org>]

Sent: Tuesday, July 10, 2018 7:32 PM

To: Jon Willey

Subject: [External] Re: Questions On The Vallco Specific Plan And The SB35

Hello! Mr. Willey

Apologies for the delay. We're developing FAQ's for the Vallco SB 35 project. They may help with some of your questions. In general:

1. A. Specific Plan development - the GP does not solely require that the specific plan be developed by a developer for the Council's consideration.

1. B. The City Council can adopt, either a developer prepared, or city prepared specific plan.

1. C. Rezoning for the site is subject to state law requirements and subject to direction and approval by the Council. Do note that the entire Vallco Shopping District is considered a Housing Priority Site.

2. When the SB 35 project was submitted the only applicable GP standards were the allocations for non-residential development (note that a Density Bonus concession has been requested for a reduction in the retail allocation) and residential density (35 du/acre, in addition to which a 35% Density Bonus has been requested.)

4. In the case of the Marina development, the hotel parcel was a separate parcel and not considered a Housing Element site. For the Vallco development, the entire site 58 acres is considered a Housing Element site; however currently ~56 acres is developable. The other +/-2 acres is under construction with the Hyatt Hotel.

Hope this helps.

Regards

Piu

Sent from my iPhone

On Jul 10, 2018, at 6:11 PM, "Jon_Willey@amat.com<mailto:Jon_Willey@amat.com>" <Jon_Willey@amat.com<mailto:Jon_Willey@amat.com>> wrote:

Hello Piu,

I'm checking to see that you received my e-mail with questions.

Could you let me know if you received it.

Thank you,
Jon Willey

From: Jon Willey
Sent: Friday, July 06, 2018 4:30 PM
To: Piu Ghosh <PiuG@cupertino.org<<mailto:PiuG@cupertino.org>>>
Subject: Questions On The Vallco Specific Plan And The SB35

Hello Piu,

From the city website, it indicates that you are the principle planner for the Vallco Specific Plan and I have a few questions. I read a couple weeks ago in the Q&A in the Cupertino Scene about the Vallco SB35 and it left me with more questions than it answered. Would you answer my following questions, and if it helps, I will gladly come to the Planning Department.

1. The rules for Vallco are specified in the General Plan – clarify/confirm

- The General Plan says Vallco requirements are per a developer Specific Plan that is to be reviewed and either approved or rejected by the City Council - clarify/confirm

- The Specific Plan is to detail the building heights, building mass, building locations, public spaces, and uses, and so the City Council can accept or reject the Specific Plan - clarify/confirm

- For there to be Residential and Office at Vallco, the site must be rezoned which is to be approved by the City Council . . . but Vallco consists of about 7 parcels, so does the City have to rezone all the parcels or can the City Council rezone just specific parcels to add Residential and rezone just specific parcels for Office, and leave some parcels as Retail only?

2. In the Cupertino Scene article and from what I have read for the SB35 law, it appears that the developers project must meet the General Plan requirements . . which would then indicate that the City Council does have the authority to reject building heights, site density, and amounts of Residential Units and Office space . . . is that correct?

3. For Marina, the site is ~8 acres and about ½ was designated for the hotel and about ½ was designated for the residential. Then for the residential half, the four acres at 35 units per acre and with the added bonus for low income, the allowed RU's was then 188 units. But for Vallco to come up with 2400 Residential Units, I think it would require the full 50 acres to be used in the calculation. This seems to indicate that the Vallco developer is being treated very differently than Marina . . . please clarify.

Thank you for your assistance,

Jon Willey

The content of this message is APPLIED MATERIALS CONFIDENTIAL. If you are not the intended recipient, please notify me, delete this email and do not use or distribute this email.

Total Control Panel

[Login](#)

To: piug@cupertino.org [Remove](#) this sender from my allow list

From: jon_willey@amat.com

You received this message because the sender is on your allow list.