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FAQ: PLANNING COMMISSION ACTIONS REGARDING VALLCO GENERAL PLAN AND RELATED ZONING UPDATES

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Q: What specific changes to the Vallco Property is the Planning Commission considering at its July 30th meeting?

A: Following direction from the City Council, the Planning Commission will review proposed amendments to Cupertino's General Plan that would remove office as a permitted use for the Vallco Shopping District Area, permit 389 residential units by right, and establish height limits and development standards for the site. It will also consider related zoning changes to implement the General Plan Amendments.

Q: Why is the City of Cupertino changing the allowed uses for the Vallco site?

A: Cupertino's 2014 General Plan identifies the Vallco Shopping District Special Area as a site to be developed according to the terms of a specific plan that would establish development standards like maximum building heights and setbacks. The General Plan provides that if a specific plan is not in place by March 1, 2018, the City will consider removing the housing and commercial allocations for the area. Because there is currently no specific plan, the City Council directed that the office allocation be removed, the housing allocation be retained, and that the City undertake planning for additional housing.

Q: Does the City Council plan to remove housing as an allowed use?

A: No. This update allows a minimum of 389 dwelling units by right on the site and calls for planning to consider additional housing, particularly affordable housing for low, very low, and extremely low-income households; along with housing for persons with disabilities, including developmental disabilities.

Q: Why does the City Council want to eliminate office uses from the Vallco site?

A: The City of Cupertino aims to maintain a balance between jobs and available housing units. The City Council has reservations about allowing up to 2 million square feet of office space when the community's most pressing need at this time is to grow its stock of housing, particular affordable housing that can accommodate lower-income families.

Q: How long has the General Plan allowed “office” land uses at the Vallco site?

A: In 2014, Cupertino’s General Plan was updated to include “office” as an allowed use in the Vallco planning area. The City’s 1993 General Plan designated the site for commercial and residential uses only. The General Plan amendment under consideration would revert to the earlier uses envisioned for this site.

Q: Will these General Plan Amendments and zoning updates affect the already-approved SB 35 Vallco project?

A: No, these changes will not affect the Vallco SB 35 project. These changes would only affect future development proposals, along with shaping development on the site, should the SB 35 Vallco project not move forward.

Q: Will the City of Cupertino be able to reach its state-mandated housing goals if it makes these changes?

A: State law requires the City to maintain sufficient sites to accommodate its fair share of housing at several income levels, ranging from very-low income to above-moderate income. Cupertino has always complied with this law and will continue to do so if this General Plan Amendment is adopted. Cupertino’s state-mandated allocation is 1,064 units and the City has already designated sites to accommodate 1,400 units. The changes being considered by the Planning Commission keep Vallco as one of these sites and remove the requirement that a specific plan be prepared before the housing can be developed.

Q: How many residential units could be built on the Vallco site if these changes take effect?

A: The General Plan Amendments under consideration would allow 389 dwelling units by right. If future development builds at the upper density limit and provides sufficient affordable housing to qualify for a 35% density bonus, as many as 620 residential units could be developed by right. Additional housing could be built if a developer proposes a specific plan, with the City Council having discretion to approve any proposals.

Q: What other changes to the General Plan will the Planning Commission consider?

A: The Planning Commission will consider amendments that would further refine the City’s vision for the area. These amendments include identifying 13.1 acres where the by-right residential development would be located. The amendments would not change existing General Plan policies allowing commercial uses, with a minimum of 600,000 square feet of retail uses and no more than 30 percent of commercial space developed with entertainment uses and requiring development on a street grid with improved public street connections. The proposed amendments would provide guidance for a future specific plan and General Plan Amendment for additional housing within the Vallco Shopping District.

Q: What happens next?

A: The Planning Commission will consider the proposed General Plan Amendments and related zoning changes. After considering the staff report and weighing public comment the Commission will make a recommendation to the City Council. The Council will then hold a public hearing before taking a vote on these proposed updates to allowed uses for the Vallco site.

Q: How will these amendments to the General Plan affect the process for building housing on the Vallco site?

A: The amendments make it easier to develop housing on 13 acres of the site by removing the current requirement that there first be a specific plan before any project can break ground.

Q: Is the process for this General Plan Amendment following the City's normal procedures for such changes?

A: These proposed amendments are a straightforward first step in a longer planning process for the Vallco site. In making these updates to the General Plan, the City Council's goal is to ensure that the 389 housing units assigned to the site in the General Plan can be built by right without being delayed by a specific plan planning process. These amendments will also ensure development standards for the entire site are in place while the planning process moves forward.

Q: Do these amendments comply with the California Environmental Quality Act (CEQA)?

A: These proposed General Plan Amendments do not add any additional land uses at the site and so fall within the scope of the environmental review that was prepared for the City's General Plan, as described in the Addendum to the General Plan EIR that has been prepared for this project. Additional environmental review will be conducted as part of the future planning for additional housing at the site.

Q: Do these amendments comply with state housing law?

A: Cupertino's 2014 General Plan and state-certified Housing Element called for 389 housing units on the Vallco site subject to preparation of a specific plan. These amendments remove the specific plan requirement and allow the housing to be built immediately without further planning. These units could include a combination of condominiums, apartments, and townhomes to meet the density required by the General Plan. The amendments allow the option of including commercial uses on the ground floor. As directed by the City Council in June, the amendments call for further planning to provide for a substantial amount of housing on the portion of the site designated for commercial uses.

Q: Do members of the Planning Commission or City Council have a conflict of interest that would prevent them from making these changes to the General Plan?

A: The City of Cupertino and its elected and appointed officials are committed to transparency and to complying with state election and conflict-of-interest laws. No decisionmakers with a conflict of interest will participate in this General Plan Amendment update. For example, Planning Commissioner Kitty Moore, who is a plaintiff suing the City of Cupertino over its approval of the Vallco SB 35 Project, has recused herself from participating in this matter.

Q: Will this General Plan Amendment require the City of Cupertino to compensate the property owner for a reduction in the potential profits they could make in developing the Vallco site?

A: There is no legal requirement that a municipality allow a landowner to make the most money possible from its property. In this situation, the property owner has known from the moment the City put the office allocation on the site in 2014 that the allocation could be removed if a specific plan was not adopted by March 2018. The City has never suggested that the owner of Vallco has a vested right to build office space on the site.