

ROCEDURES FOR PROCESSING OF GENERAL PLAN AMENDMENT APPLICATIONS

1. Background/Goals

Like many communities throughout the State, Cupertino is concerned about balancing the benefits of economic development with the effects of rapid growth. The impacts of such growth can overwhelm the City's ability to accommodate it and affect the quality of life in the community.

The goal is to create a procedure for the consideration of future General Plan amendments that will encourage orderly development of the City and ensure that facility/service and quality of life standards can be met for the community. These procedures only address amendments requested by private parties. The City may initiate General Plan amendments when it deems necessary, such as, to conform to State law or to ensure consistency within the General Plan.

2. Procedure

- a. The Council will consider the timing and processing of General Plan amendments once a year.
- b. In order to be considered for processing, applicants will be required to apply for authorization to process a General Plan amendment by November 1st of each year.
- c. In the quarter following the due date (generally), the Planning Commission will hold a publicly noticed meeting to preliminarily review the list of proposed General Plan amendments and provide a recommendation to Council.
- d. Generally within 45 days after the Planning Commission's meeting, the Council will hold a publicly noticed meeting to consider the Commission's recommendation.
- e. Noticing-City-wide postcard (sent prior to Planning Commission meeting) and public meeting requirements.
- f. Each application will be preliminarily evaluated for the following:
 - (i) General Plan goals achieved by the project, including, but not limited to, the following:
 - (1) Site and Architectural design and neighborhood compatibility

- (2) Brief description of net fiscal impacts (sales tax, transient occupancy tax or other revenue provided by the project) including a diverse economic base
 - (3) The provision of affordable housing
 - (4) Environmental Sustainability
 - (5) Traffic Impacts
 - (6) Expected student generation, if applicable.
- (ii) General Plan amendments (and any other zoning amendments or variances) requested.
 - (iii) Proposed voluntary community amenities, as defined in Section 3, if any.
 - (iv) Staff time and resources required to process the project.
- g. Based on the above evaluation the Council will consider which projects, if any, will be authorized to proceed with a General Plan amendment application. The decision does not in any way presume approval of the amendment or project. It only authorizes staff to process the application, but the City retains its discretion to consider the application in accordance with all applicable laws, including the California Environmental Quality Act ("CEQA") and the City's zoning laws and ordinances. Consideration of the application will be in accordance with the City's Municipal Code and regulations.
 - h. Staff will begin processing the General Plan amendment applications per Council direction. A project that applies for processing should be in substantial compliance with the project authorized by Council.
 - i. Proposals not authorized by the Council at the first meeting (per 2.d. above) may be resubmitted with minor amendments, once, within six (6) months. Such projects will be processed in the manner outlined in subsections (c) – (g) above.

3. Voluntary Community Amenities

- a. For purposes of this policy, voluntary community amenities are defined as facilities, land and/or funding contributions to ensure that any development with a General Plan amendment application enhances the quality of life in the City, including enhancements of the following:
 - (i) School resources

- (ii) Public open space, such as parks and trails
- (iii) Public facilities and utilities, such as library, community center or utility systems
- (iv) Transportation facilities with an emphasis on city-wide bicycle, pedestrian and transit improvements, such as community shuttles, pedestrian and bicycle bridges, and transit centers/stations

4. Preliminary Review Requirements

- a. Preliminary documents that would be typically required for the type of application that is requested, such as site plans, preliminary landscape plans, elevations, cross sections, preliminary grading plans and proposed materials.
- b. A description, including graphics, of the General Plan amendment(s) and land use approvals required, if any. The description should include diagrammatic information as necessary to clearly explain the request.
- c. An explanation of how the proposed project meets the overall goals of the General Plan and the benefits/impacts of the project to the community and its quality of life.
- d. A brief summary of net fiscal impacts.
- e. In order to provide the public with early notice and opportunity to provide input, to the extent the proposed project includes voluntary community amenities, as defined in Section 3 above, of a type typically memorialized in a development agreement, the applicant should include a Term Sheet explaining the proposed terms. The Term Sheet will be memorialized in a Development Agreement as part of the project, if approved.

5. Modification to the General Plan Amendment Requests

- a. Only one (1) application for modifications that increase the number or intensity of General Plan Amendments may be made per project.
- b. The revised proposal shall be considered at a publicly noticed meeting by the Council based on the evaluation criteria listed in subsection 2(f) above. Noticing for the meeting shall include citywide postcard mailing.
- c. The Council's decision does not in any way presume approval of the amendment or project. It only authorizes staff to process the revised proposal, but the City retains its discretion to consider the application in accordance with

all applicable laws, including the California Environmental Quality Act ("CEQA") and the City's zoning laws and ordinances. Consideration of the application will be in accordance with the City's Municipal Code and regulations.