



Notice of Preparation of an Environmental Impact Report City of Cupertino

Date: March 27, 2023

To: State Clearinghouse
State Responsible Agencies
State Trustee Agencies
Other Public Agencies
Santa Clara County Clerk
Interested Organizations

From: Luke Connolly
Acting Deputy Director of Community Development
City of Cupertino
Community Development Department
10300 Torre Avenue
Cupertino, CA 95014

Subject: NOTICE OF PREPARATION OF A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

Lead Agency: City of Cupertino Community Development Department

Project Title: City of Cupertino General Plan 2040 and Zoning Code Amendments

Project Sponsor: City of Cupertino

Notice is hereby given that the City of Cupertino (City) will prepare a program-level Subsequent Environmental Impact Report (SEIR) for the City of Cupertino General Plan 2040 (General Plan 2040), also known as Community Vision 2015-2040, and the Zoning Code Amendments, herein referred to as the proposed project. The SEIR will be prepared pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The updates to the General Plan 2040 are required to bring Housing Element and Health and Safety Element up to date and into compliance with State law. Subsequent updates to the Land Use and Community Character and Mobility Elements and Zoning Code are also required as a result of updates to the Housing Element. The City has determined that the preparation of an SEIR to the City's *General Plan Amendment, Housing Element Update, and associated Rezoning Project Environmental Impact Report* that was certified by the Cupertino City Council in December 2014, and the subsequent addenda to the EIR that were approved by the City Council in October 2015, August 2019, December 2019, and October 2021, that together constitute the Certified EIR, is appropriate for the evaluation of the proposed project. The program-level SEIR will evaluate the environmental impacts associated with the General Plan 2040 and the Zoning Code updates. The proposed project is considered a policy/planning action and does not constitute approval of any physical development or grant any entitlements for development. All future discretionary projects will be reviewed in accordance with CEQA and for consistency with the goals and policies of the General Plan 2040 and development standards. The proposed project, its location, and potential environmental effects are described further in this notice.

The City is requesting comments and guidance on the scope and content of the SEIR from interested public agencies, organizations, and individuals. With respect to the views of Responsible and Trustee Agencies as to significant environmental issues, the City needs to know the reasonable alternatives and mitigation measures that are germane to each agency's statutory responsibilities in connection with the proposed project. Responsible agencies may need to use the SEIR prepared by the City when considering permitting or other approvals for potential future development projects.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but no later than the close of the 30-day Notice of Preparation (NOP) review period on Tuesday, April 25, 2023. If you submit comments on the scope of the SEIR, you will automatically be added to the City's distribution list for future notices and information about the environmental review process for the proposed project. If you do not wish to submit comments on the scope of the SEIR, but would like to be added to the City's mailing list, you can submit your contact information, including email address with a request to be added to the mailing list.

Please send your written comments to Luke Connolly, Community Development Department, at the address shown above or email to planning@cupertino.org with "*General Plan 2040 and Zoning Code Amendments SEIR*" as the subject. Public agencies providing comments are asked to include a contact person for the agency.

Project Location: The city of Cupertino is located in the northwestern portion of Santa Clara County. Cupertino is roughly 45 miles south of San Francisco and 13 miles west of downtown San José. Interstate 280 and State Route 85 provide regional access to the city.

Project Description: The proposed project consists of updates to the General Plan 2040 and the Zoning Code as follows:

- **Housing Element Update.** Pursuant to State law the Housing Element is required to be updated every eight years to ensure an adequate amount and type of housing is planned. The proposed modifications to the current Housing Element are required in order to demonstrate the City’s capacity to meet its “fair share” of the region’s housing needs over the 2023-2031 planning period. The update includes changes that respond to new State laws related to affirmatively furthering fair housing, as well as deletion of completed programs, consolidation of similar or related programs, new programs responding to emerging issues, and amendments to other programs and/or revised timelines. As a policy document, the Housing Element does not result in physical changes to the environment but encourages the provision of affordable housing within the land use designations shown in the Land Use and Community Character Element. Additional information on the Housing Element update can be found at <https://engagecupertino.org/hub-page/housingelement>.
- **Health and Safety Element Update.** The current (2015) Health and Safety Element addresses emergency preparedness and regional coordination, fire safety, public safety, hazardous materials, electromagnetic fields, geologic and seismic hazards, flood hazards, and noise hazards in Cupertino. However, the regulatory framework for safety elements has changed since 2015, and therefore pursuant to State law, the proposed Health and Safety Element update includes more information about extreme weather and wildfire risks and responses, to include best-available mapping for flood risk, and to comprehensively address the short-term and long-term threats posed by climate change. Due to increased densities from the Housing Element update, the proposed Health and Safety Element update includes an updated Noise Contour map.
- **Mobility Element Update.** The proposed Mobility Element update would reflect changes in the standard method of measuring transportation impacts by removing Level of Service thresholds and referring to City’s Transportation Study Guidelines for assessing both CEQA and non-CEQA transportation impacts.
- **Land Use and Community Character Element Update.** The current Land Use and Community Character Element contains the height and density regulations for development in Cupertino. The proposed Land Use and Community Character Element update assigns new levels of increased housing density in Cupertino neighborhoods to be consistent with the updated Housing Element and Zoning Code. The update also includes minor policy language changes for consistency with the proposed Housing Element update.
- **Zoning Code Update.** The proposed Zoning Code update is to ensure consistency with the updated Housing Element. The proposed Zoning Code update includes site development standards to ensure neighborhood compatibility and the provision of important amenities for current and new city residents. Changes to City standards and regulations necessary to implement the actions of the Housing Element are anticipated to include parcel-specific rezoning and may include targeted updates to one or more City-adopted Specific Plans.

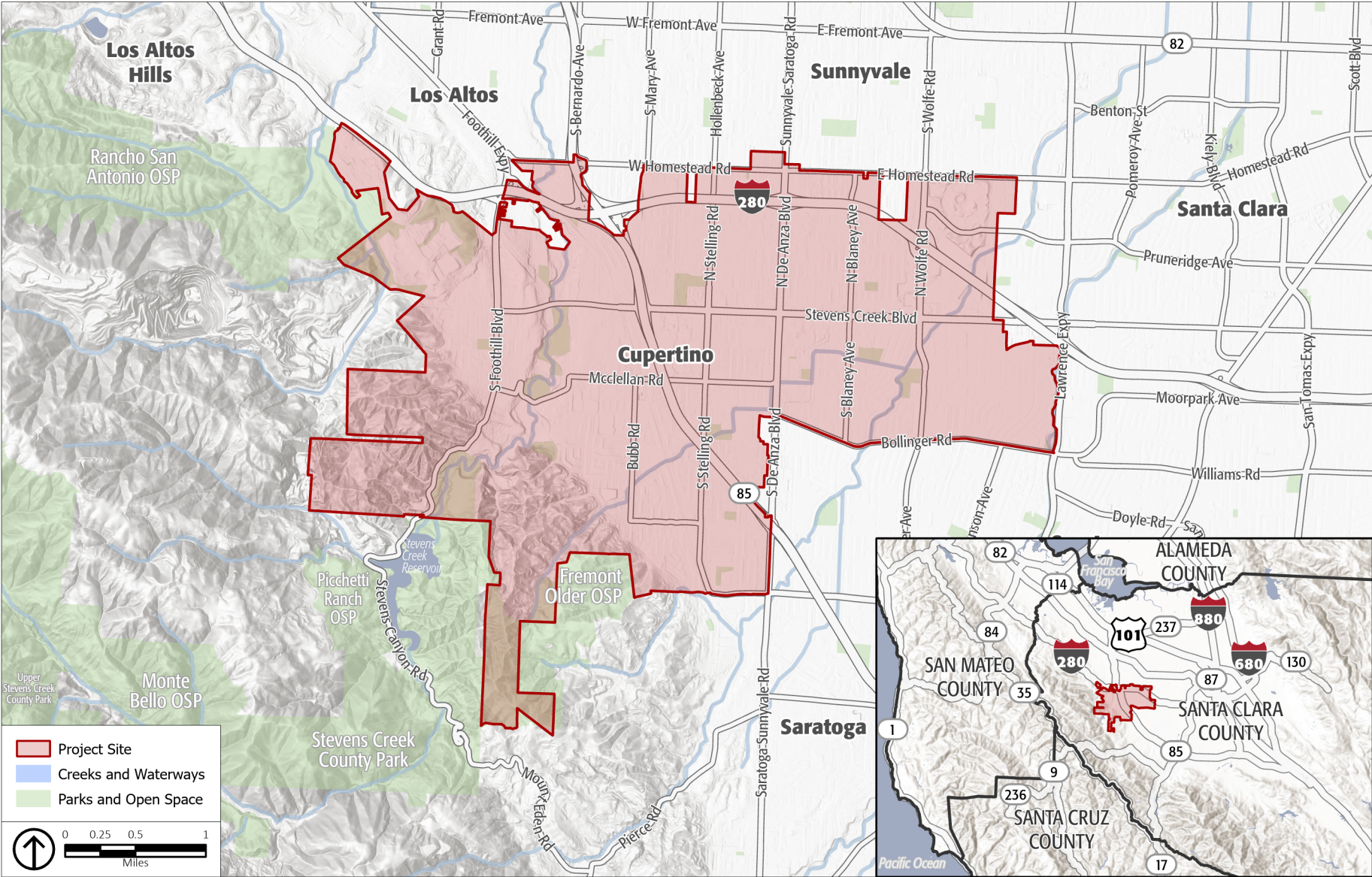
Probable Environmental Effects of the Project: The SEIR for the proposed project will address the range of impacts that could result from the proposed project. The following environmental topics will be examined in the SEIR: aesthetics, air quality, biological resources, cultural and tribal cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, parks, and recreation, transportation, utilities and system services, and wildfire. The topics of forestry and mineral resources would have less-than-significant impacts and will not be evaluated in detail in the EIR.

Public Meetings and Workshops. The City will continue to hold public workshops and meetings throughout the planning process to inform the public and interested agencies about the proposed project and solicit feedback on the contents of the proposed project. A hybrid Public SEIR Scoping Meeting will be held to receive comments regarding the scope and content of the SEIR on Tuesday, April 18, 2023, from 6:00 to 7:30 p.m. Community members can attend in two ways – at the Community Hall (10350 Torre Avenue, Cupertino, CA 95014) or virtually by registering for the meeting online at [Engagecupertino.org/housingelement](https://engagecupertino.org/housingelement).

Attachment:

Attachment Regional and Vicinity Map

NOTICE OF PREPARATION



Source: ESRI, 2022; PlaceWorks, 2023.