



COMMUNITY DEVELOPMENT DEPARTMENT

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CITY COUNCIL STAFF REPORT

Date: June 16, 2026

Subject

A study session for City Council to consider existing designations, zoning corrections, and state law protections for recreational facilities and parkland sites.

Recommended Action

Receive presentation and provide direction.

Background

At the March 3, 2026, City Council special meeting, staff outlined a mapping and zoning analysis, noting that the City maintained an up-to-date zoning map on its website and outlined park strategies within its General Plan. Staff identified several properties where zoning designations may need to be updated to better reflect their current use or General Plan designation, particularly where active open spaces held Public Buildings designations, though the Service Center site presented no conflicts.

Regarding legal frameworks, staff evaluated state laws requiring a two-third Council vote and a simple majority voter approval to abandon parkland. Local precedents were reviewed, including 2016 measures in Milpitas and Santa Clara that successfully heightened protections by requiring strict two-thirds voter approval. Staff determined a model like Milpitas was appropriate for Cupertino, contingent upon a land inventory. To meet deadlines for the November 2026 election, Council action is required by August 2026. Council unanimously consented to provide the following direction to staff:

- Return to Council to consider existing land use designations, zoning corrections, and relevant State Laws.
protections for recreational facilities and parkland sites.
- Prepare a plan for a proposed parkland ballot measure, to be brought forward at a future date.
- Return to Council with a recommended scope of work for consultant services, including a proposed budget appropriation, a detailed work plan, and a timeline.
- Provide options for Council to refine the consultant's performance, specifically evaluating whether to proceed with polling or to move directly into community outreach.

- Include language regarding the inclusion of facilities and whether the way it is written could cause the ballot measure not to pass, and asked to review the wording to determine if it would create any issues.

Tonight, City Council is to consider existing land use designations, potential zoning corrections, and State law protections for recreational facilities and parkland sites. Staff will present survey results for potential Nov 2026 Parkland Rezoning measure on July 7.

Discussion

Zoning and General Plan Land Use Designation

The Land Use Map of the City’s *General Plan: Community Vision 2040* outlines Cupertino's general development patterns, which in the case of this item, establishes broad boundaries for City facilities, including public parks and designated open spaces. In contrast, the Zoning Ordinance and Zoning Map provide the regulations governing specific land uses and building forms—such as civic centers or maintenance yards—and permitted recreational activities. These detailed zoning rules are guided by policy statements in the planning text to ensure public spaces are properly utilized. Under California law, zoning designations and regulations must be consistent with the General Plan Land Use Map, meaning any property designated as a park or City facility in the General Plan must have a consistent zoning designation.

Table 1 organizes the General Plan Land Use designations with their corresponding, zoning designations:

Table 1 General Plan Public Land Use Designations and their corresponding Zoning.

General Plan Land Use Designation	Associated Zoning Designation	Primary Purpose & Scope
Parks and Open Space Applies to public and private land used for recreation and open space preservation.	Open Space (OS)	Establishes open space uses in private natural areas to avoid urban sprawl and preserve environmentally sensitive areas in their natural condition.
	Park and Recreation (PR)	Regulates land uses and recreational activities within publicly owned parks to ensure user safety/enjoyment and protect adjoining property owners.
	Private Recreation (FP)	Utilizes use permit controls to promote privately sponsored business enterprises that serve the community's cultural and recreational needs.
Public Facilities Applies to land used or planned by a	Public Buildings/Facilities (BA, BQ)	Designed to accommodate governmental, public utility, educational, religious, and

governmental entity for a public purpose.		community service facilities within the City.
Transportation Apply to streets, highways, and rail corridors.	Transportation/Utility (T)	Accommodate transportation, infrastructure, and public utility corridors or facilities throughout the City.

Table 2 lists individual municipal parcels within the city to evaluate how they are legally restricted, zoned, and designated for future development. The table includes common property names directly with their current regulatory zoning classifications and long-term General Plan Land Use (GPLU) designations.

Most established City resources, such as Portal Park and Varian Park, align by carrying both a Public Park (PR) zoning classification and a corresponding Parks and Open Space GPLU status. However, the inventory also highlights administrative inconsistencies. For example, specific community facilities, like the Quinlan Community Center, have a Public Park Zoning designation but are designated as Public Facilities under the General Plan. Similarly, several unnamed properties listed in Table 2 have residential or public building Zoning classifications despite being designated for open space in the General Plan. The table identifies candidates for "zoning cleanup" initiatives to reconcile actual site usage with both the General Plan and Zoning land use designations.

Table 2 Inventory of City Owned parcels with Zoning and Land Use Designations.

Name	Zoning	GPLU	Special Note
APN 326 01 051	P(CG)	Commercial / Residential	1,000 square foot parcel adjacent to Homestead Road
APN 356 07 059	FP-o	Low / Medium Density (5-10 DU/Ac.)	2,400 square foot parcel along Stevens Creek.
APN 326 37 047	R1-10	Low Density (1-5 DU/Ac.)	Path from Stevens Creek Elementary to Creston Drive.
APN 356 05 005	FP-o	Parks and Open Space	Trail connecting Linda Vista Park to McClellan Road.
APN 326 17 004	PR	Parks and Open Space	.44 Acre lot adjacent to Stevens Creek.
APN 323 36 021	R1C	Public Facilities	Utility Structure at Countrywood Development
APN 357 12 001	PR	Residential (0-4.4 DU/Ac.)	Sliver Parcel at San Fernando entrance at BlackBerry Farm

Blackberry Farm Golf	PR	Parks and Open Space	-
Blackberry Farm Park	PR	Parks and Open Space	-
Canyon Oak Park	P(Res)	Parks and Open Space	-
City Hall Annex	P(OP)	Commercial/Office/ Residential	-
Civic Center	P(BA)	Public Facilities	This includes Library Field
Corp Yard	BA	Public Facilities	-
Creekside Park	PR	Parks and Open Space	-
	BA	Parks and Open Space	Soccer Field
Cupertino Sports Center	PR	Parks and Open Space	-
Franco Park	PR	Parks and Open Space	-
	BA	Public Facilities	Traffic Yard
Hoover Park	PR	Parks and Open Space	-
Jollyman Park	PR	Parks and Open Space	-
Lawrence Mitty	PR	Parks and Open Space	-
Linda Vista Park	PR	Parks and Open Space	-
Little Rancho Park	P(Res)	Parks and Open Space	-
Mary Ave Dog Park	PR	Parks and Open Space	-
Mary Avenue Villas	R4	Residential - High/Very High Density	City Council determined Surplus Land.
McClellan Ranch	PR	Parks and Open Space	-
Memorial Park	PR	Parks and Open Space	-
	R-3(10- 20)	Transportation	Entrance to Senior Center parking lot (16,696 square feet)
Monta Vista Rec Center and Park	PR	Parks and Open Space	-
Municipal Water Tanks	BA	Public Facilities	22851 Mercedes Rd
Nathan Hall Tank House	PR	Parks and Open Space	-
Portal Park	PR	Parks and Open Space	-
Quinlan Community Center	PR	Public Facilities	-
San Jose Water Company	R1-10	Low Density (1-5 DU/Ac.)	10450 Mann Dr
Somerset Square Park	PR	Parks and Open Space	-
Sterling Barnhart Park	PR	Parks and Open Space	-
Stockmeir House	PR	Parks and Open Space	-
Stockmeir Ranch	PR	Parks and Open Space	-

Three Oaks Park	PR	Parks and Open Space	-
Varian Park	PR	Parks and Open Space	-
Wilson Park East	PR	Parks and Open Space	-
Wilson Park West	PR	Parks and Open Space	-

State Law Protections

Current state law establishes significant protective hurdles under Government Code Section 38440, et seq., limiting a municipality's authority to unilaterally abandon formally designated or actively used parkland. Please refer to the Staff Report from the City Council's March 3, 2026, Study Session (Attachment A) for a more detailed discussion on this topic.

Next Steps

Should the City Council so direct, staff will initiate formal Zoning cleanups for the following identified inconsistencies to bring public facilities and parkland into full conformity with the adopted General Plan:

- Rezone the Soccer Field at Creekside Park from Public Buildings (BA) to a park designation (such as PR) to match its actual use and Parks and Open Space GPLU.
- Assign a Zoning designation to APN 326 37 047 (the path from Stevens Creek Elementary to Creston Drive), which currently lacks any Zoning designation.
- Reconcile the Unnamed Property (APN 357 12 001), which is zoned PR but designated as Residential (0-4.4 DU/Ac.) under the General Plan.
- Reconcile with the Quinlan Community Center, which carries a PR zoning designation but is designated for Public Facilities under the General Plan.
- Rezone APN 323 36 021 (Utility Structure at Countrywood Development) from residential (R1C) to an infrastructure-appropriate zone (such as BA) to match its Public Facilities General Plan designation.
- Rezone the Senior Center parking lot entrance parcel from its outdated multi-family residential zoning (R-3(10-20)) and Transportation GPLU status to be consistent with that of Memorial Park.

City Work Program (CWP) Item/Description

Protections for Parkland/Consider establishing protections for parkland, similar to those adopted by the cities of Sunnyvale and Milpitas.

Council Goal:

Quality of Life

California Environmental Quality Act

The proposed action consists solely of a study session and receipt of information regarding existing General Plan designations, zoning classifications, and state law protections applicable to recreational facilities and parkland. No land use designation, zoning classification, or development entitlement is being approved. Accordingly, the proposed action is not a "project"

within the meaning of CEQA Guidelines section 15378 because it does not have the potential to result in a direct or reasonably foreseeable indirect physical change in the environment.

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Floy Andrews, Interim City Attorney

Approved for Submission by: Tina Kapoor, City Manager

Attachments

- A. City Council Staff Report for the Parkland Ballot Measure Study Session on March 3, 2026 (Dated February 19, 2026)