



COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

(408) 777-3308 • FAX (408) 777-3333 • planning@cupertino.org

PLANNING COMMISSION STAFF REPORT

August 8, 2017

SUBJECT

General Plan Amendment for corrections to the Land Use Map and Zoning Map Amendment for corrections to the Zoning Map to correct inconsistencies between the City of Cupertino's records and certain map designations. Application No(s): GPA-2017-01, Z-2017-01; Applicant(s): City of Cupertino; Location: city-wide; APN(s): 326 49 034, 326 49 035, 326 49 039, 357 07 029, 357 06 014, 357 06 019, 326 27 030, 357 09 053, 342 52 006, 342 48 999, and 326 41 115

RECOMMENDED ACTION

That the Planning Commission adopt a resolution (Attachment 1) recommending that the City Council:

1. Find that the proposed actions are exempt from CEQA;
2. Adopt a resolution to amend the General Plan Land Use Map to correct inconsistencies between the city's records and the map designations; and
3. Adopt an ordinance to amend the Zoning Map to correct inconsistencies between the city's records and the map designations.

DISCUSSION:

Background

As a result of responding to public inquiries, along with city actions over the years, Planning staff have identified parcels for which the general plan land use designation and zoning is not internally consistent or correct or has not been updated to correlate with known city actions, such as resolutions, ordinances, recorded tract maps, purchases and agreements. Procedurally, changes and corrections to the General Plan land use map and zoning maps require a general plan amendment and a re-zoning, which includes a resolution and an ordinance approved by City Council based on a recommendation from Planning Commission following a public hearing process.

Parcels to be corrected

While the comprehensive list with a corresponding map diagram is included in Exhibit A of the draft resolution, a condensed list of parcels proposed for correction is summarized below.

Map key	Current		Corrected		City action/ Public record
	General Plan Land Use (GPLU)	Zoning	General Plan Land Use (GPLU)	Zoning	
1	Public Facilities	R1-10	Public Facilities	BA	Tract Map 4735
2	Public Facilities	R1-10	Public Facilities	BA	Tract Map 4735
3	Public Facilities	R1-10	Public Facilities	BA	Tract Map 4735
4	Parks and Open Space	R1-7.5	Parks and Open Space	PR	Tract Map 5873; City Council reso. 4307
5	Parks and Open Space	R1-10	Parks and Open Space	PR	City Council reso. 823; Santa Clara County Assessor's data
6	Parks and Open Space	R1-7.5	Parks and Open Space	PR	City Council reso. 823; Santa Clara County Assessor's data
7	Parks and Open Space	P(R1C)	Parks and Open Space	PR	City Council reso. 13-012; Ord. 13-2104
8	Very Low Density (1/2 acre slope density)	PR	Parks and Open Space	PR	City Council reso. 99-186 Stocklmeir farm acquired in 1999
9	Parks and Open Space	PR	Quasi-public/ Institutional	P(Institutional)	City Council reso. 99-072 Roadway easement vacated in 1999; City Council reso. 14-211 and Ord. 2124
10	Very Low Density (1/2 acre slope density)	P((R1) 0-2)	Parks and Open Space	PR	Tract Map 6190
11	Public Facilities	R1-10	Low Density (1-5 dwelling units per acre) Residential	R1-10	City Council reso. 12-008; Grant deed document #22566711 & #23244980

There will be no changes to the existing land uses, development rights, and regulations of the affected properties as part of these corrections, because either prior city actions

(resolutions, ordinances, and recorded maps/agreements) were not reflected in the general plan land use and zoning maps or because the past action of the City was erroneous (as discussed further below.)

Parcels #1-8 are public facilities or public parks and open spaces. The requested corrections align the general plan land use with the internally correct zoning of either BA (public buildings) or PR (parks and recreation).

Parcel #9 (~14,578 sq.ft. and ~54 feet wide) was originally offered and accepted as a public roadway easement to the City for future development in the area of the Diocese/Oak Valley. However, this easement was formally vacated in 1999, because during development of the Oak Valley neighborhood, Oak Valley Road was located approximately 500 feet to the south instead of in the area of the easement. Once vacated, the land use designation of the easement was changed to Quasi-public/Institutional and was zoned "Planned Development with Institutional uses" (P(Institutional)) to match the zoning of the Forum. However, during the last General Plan Update in 2014, as a result of inaccurate data from the County Assessor's records, which showed this parcel to be owned by the City, the land use designation and zoning designations were incorrectly changed to Parks and Open Space and PR. The current change in the land use and zoning designations is proposed to correct the City's past erroneous action.

Parcel #10 is a portion of property offered for dedication to, and accepted by, the City for open space purposes. However, this was not reflected in the City's general plan land use or zoning maps.

Parcel #11 is a privately-owned, single-family residential parcel. The northeast corner of the subject parcel was once a surplus City-owned parcel that was sold to the adjacent property owner of 10500 Castine Avenue in April 2014. The City retains some easements on this portion, however, these do not adversely affect the usage of the property. The transaction to merge the parcels into one single-family residential lot occurred in 2016. However, the land use designation needs to be updated to reflect this transaction.

The total effect of making these revisions does not add development capacity for any of the parcels.

ENVIRONMENTAL REVIEW

The proposed amendments to the General Plan Land Use Map and the proposed amendments to the Zoning Maps are exempt from the requirements of the California Environmental Quality Act (CEQA) under the general rule exemption. For reasons

stated above, “it can be seen with a certainty that there is no possibility that the activity in question may have a significant effect on the environment,” the proposed General Plan and zoning amendments, and are, therefore, not subject to CEQA (CEQA Guidelines § 15061(b)(3)).

PUBLIC NOTICING AND COMMUNITY OUTREACH

The following table is a brief summary of the noticing for this project:

Notice of Public Hearing, Legal Ad	Agenda
<ul style="list-style-type: none">▪ Legal ad placed in newspaper (<i>at least 10 days prior to hearing</i>)▪ Display ad placed in newspaper (<i>at least 10 days prior to hearing</i>)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (<i>five days prior to hearing</i>)▪ Posted on the City of Cupertino's Web site (<i>five days prior to hearing</i>)

NEXT STEPS

The recommendations made by the Planning Commission will be forwarded to the City Council for consideration of a resolution and ordinance. The resolution is effective immediately. The ordinance requires a second reading and the zoning map will go into effect 30 days after that second reading. The Planning staff will update the General Plan Land Use Map and Zoning Map and post the updated maps to the City website and the Community Development Department's customer service counter area, with respect to when each action goes into effect.

Prepared by: Catarina Kidd, Senior Planner
Reviewed by: Piu Ghosh, Principal Planner
Approved by: Benjamin Fu, Assistant Director of Community Development
Aarti Shrivastava, Assistant City Manager

ATTACHMENTS

1. Draft resolution
Exhibit A: maps and map key