



COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL

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CITY COUNCIL STAFF REPORT

Agenda Date: September 5, 2017

SUBJECT

General Plan Amendment for corrections to the Land Use Map and Zoning Map Amendment for changes 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.

RECOMMENDATION

The Planning Commission recommends that the City Council:

1. Find that the proposed actions are exempt from CEQA;
2. Adopt Draft Resolution No. 17-_____ "Amending The General Plan Land Use Map As Shown In Exhibit A" (*Attachment A*); and
3. Conduct the first reading of Ordinance No. 17-_____ "Amendments To The Zoning Map To Correct Inconsistencies Between The City Of Cupertino's Records And Certain Map Designations As Shown In Exhibit A" (*Attachment B*).

DESCRIPTION

A. Application Summary

Application No: GPA-2017-01, Z-2017-01

Applicant: City of Cupertino

Location: Citywide

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

BACKGROUND

Planning Commission Meeting

Planning Commission comments and discussion. The Planning Commission reviewed the subject application at its August 8, 2017 regular meeting. Discussion included a public comment, requesting more captioning and labeling on the map exhibits. Additional captions and labels have been added to the map exhibits, along with existing maps.

The Planning Commission recommended approval on a 3-0-2 vote (with two Planning Commissioners absent) to recommend that the City Council adopt the resolution and ordinance authorizing map corrections. The Planning Commission staff report, minutes and final Planning Commission resolutions are in Attachment C.

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 have 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 and ordinance, 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 through City Council Resolution 99-072, 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 should have been changed to Quasi-public/Institutional; the zoning remained "Planned Development with Institutional uses" (P(Institutional)) to match the zoning of the Forum. Research on this parcel indicates that the land use designation of the parcel was changed to Parks and Open Space during the 2005 General Plan update. During the 2014 General Plan update, the parcel was rezoned to Park and Recreation (PR) for consistency with the land use designation from 2005 and the existing parcel data which erroneously listed City of Cupertino as the owner. The current change in the land use and zoning designations is proposed to correct the City's past erroneous and/or incomplete actions.

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 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: Benjamin Fu, Assistant Director of Community Development

Approved by: Aarti Shrivastava, Assistant City Manager

David Brandt, City Manager

ATTACHMENTS:

Attachment A - City Council Resolution for General Plan Amendment GPA-2017-01

Exhibit A: General Plan Land Use Map, existing and proposed map and map key

Attachment B - City Council Ordinance for Development Agreement, Z-2017-01

Exhibit A: Zoning Map, existing and proposed map and map key

Attachment C - Final Planning Commission Resolution (No. 6835)

Attachment D - Planning Commission staff report, August 8, 2017, available online:

<https://cupertino.legistar.com/MeetingDetail.aspx?ID=550107&GUID=3BF4CD71-4973-4DFF-89F9-8CD45534BA47&Options=info&Search=>