

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, CA 95014

CITY OF CUPERTINO
REGULAR PLANNING COMMISSION MEETING
APPROVED AMENDED MINUTES

6:45 P.M.

OCTOBER 20, 2014
CUPERTINO COMMUNITY HALL

MONDAY

The adjourned Planning Commission meeting of October 20, 2014 was called to order at 6:45 p.m. in the Cupertino Community Hall, 10350 Torre Avenue, Cupertino, CA. by Chair Paul Brophy.

SALUTE TO THE FLAG

ROLL CALL

Commissioners present:	Chairperson:	Paul Brophy
	Vice Chairperson:	Winnie Lee
	Commissioner:	Don Sun
	Commissioner:	Margaret Gong

Commissioners absent:	Commissioner:	Alan Takahashi
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Staff Present:	Assistant City Manager:	Aarti Shrivastava
	Senior Planner:	Piu Ghosh
	Asst. City Attorney:	Colleen Winchester

APPROVAL OF MINUTES: None

WRITTEN COMMUNICATIONS:

- Letter from L. Wang, Marina Foods
- Letter from Stevens Creek Office Park

POSTPONEMENTS/REMOVAL FROM CALENDAR: None

ORAL COMMUNICATIONS:

Robert McKibbin, resident:

- Said he read the report relating to Vallco, and read terms like active community gathering place, regional destinations, town center style project, mixed use pedestrian oriented; have heard a lot of these terms before and don't get regional retail locations out of these projects; basically get high rise office buildings and large parking structures and hotels, not the retail that these kind give an impression of. Mr. McKibbin stated that Vice Chair Lee pointed out at one of the meetings about how she was dissatisfied with Main Street because it was essentially mainly office space and hotel and not a regional retail location. He continued by stating that for the Vallco area, the same language is being used and there is discussion about 600,000 sq. ft. of retail which is fairly fine; 600 housing units is being proposed to be developed at Vallco. It must be kept in mind that Rosebowl is 200 units, which means that it would mean putting three Rosebowls in this location along with everything else. Also 375 hotel rooms are being planned; not to mention the proposal for a million sq. ft. of office space. Vallco is not a regional retail location like Stanford or some of the others in the area; it is different.

- He went on to state that Chair Brophy and Com. Sun discussed the reasons the public was not coming out to the meetings and engaging; part of the reason is that it is hard to grasp these numbers and visualize it. He used the example of Rosebowl because it is built already and it is a big structure with 200 housing units. If this information was presented in that light to the public and citizens adjacent to Vallco, one would have 200 people out to the hearing talking about it; but because people cannot visualize what is being proposed, they are missing what is happening. Also mentioned that this is one project; there are dozens of projects throughout the city for which a zoning change and change to the development criteria is being considered.
- Cupertino is built to capacity; there is a carrying capacity for everything and what appears with the numbers under study is capacity is being maxed now and with these new proposals over-extend it all. There are several alternatives written in the program; one of them is to leave the zoning as is especially at Vallco and he would recommend that because if the developer wants to add these things, they can come to the Planning Commission and City Council and say they want to change the zoning. This is doing it backwards; they are saying they want all of this without giving a concrete proposal as to its location, what it will look like, etc.
- Said he zeroed in on Vallco because he went to a lot of the planning meetings; the public was there, and in his opinion, the vast majority of the public do not want this type of development; the vast majority of the citizens said they wanted retail and not a huge housing development, no huge offices, nor a huge hotel area.

Peggy Griffin, resident:

- Said she attended study sessions where residents said they did not want housing or office, but keep Vallco retail; and now both are going to go in. This General Plan is supposed to be an amendment but it feels like a rewrite, and when looking at what has already been built going down Stevens Creek and Tantau across the street there is a nice office building set back with trees and grass; across the street it is in-your-face concrete and on Blaney and Stevens Creek it is the same thing. The Biltmore was a nice apartment complex but what has been added looks tacky, cheap and concrete and not wanted in Cupertino. They need retail, big spaces, not little shops; Target and Whole Foods have been successful. Please keep the big chunks of retail; they are needed.

Jennifer Griffin, Rancho Rinconada resident:

- Said she was concerned about how large the General Plan Amendment is getting. There are supposed to be 7 sites, not housing sites, under the General Plan that were to be looked at for possible redevelopment; then under the housing element part umbrella of this project, there are a number of sites that are under the domains of the state. Said she was not sure which one of those Vallco was on; still confused as to how they ended up on the housing element and would like to ask questions or have someone talk about when there are properties under the housing element.
- Properties are going into the housing element as they have a number of properties here; There are shopping centers, retail sites, etc., some apartment complexes; said she assumed that as of January when the housing element is adopted by the state, at that time those properties are rezoned at the higher density. How would that affect Vallco; how would it affect their property value; does that mean that henceforth Vallco would have a housing element number on it? What does that do to the property value? There are a number of sites: Marina, the Oaks, and shopping centers; if DeAnza College came in and decided they wanted to put their property up as a housing element, would that mean the college would get rezoned as higher density housing? Could someone explain that? When one has a site as big as Vallco, the public needs to be informed of what is happening; the public has put years into studying and understanding Vallco even when it was under the Redevelopment Agency and are still struggling to understand it, nobody wanted apartments at Vallco.

Chair Brophy:

- Asked staff to respond to some of the points raised, the role of the housing element is vs. the GPA

Aarti Shrivastava, Assistant City Manager, responded to concerns raised by three speakers relating to the role of the housing element vs. the General Plan Amendment:

- The General Plan was started because there were about 7 applicants who had General Plan Amendment requests and the idea was not to do them separately because that is one of the complaints the city received from the public when one gets projects one at a time; the idea was to combine all of them to understand better what the impact would be on the entire city. At the same time the city got its final housing element numbers, and as Com. Brophy pointed out, this is a state requirement where every city is required to plan for a certain number of units and because they came in at the same time, they were combined because that would give everybody a good sense of the changes that would have to be made in the community. That is the genesis of why this project has all the elements it has.
- At the previous meeting, the Commission took straw votes on development allocations and on the community benefits and there are the other issues of heights, housing element sites, densities and the issue of Vallco.

CONSENT CALENDAR:

None

PUBLIC HEARING

- | | |
|---|--|
| 1. GPA-2013-01, Z-2013-01
(EA-2013) GPA -2013-02
MCA-2014-01
SPA-2014-01
Citywide Location
City of Cupertino | EIR, General Plan Amendment, Housing Element, Rezoning
Municipal Code Amendment and Specific Plan Amendment.
Recommend certification of final EIR and adoption of findings,
statement of overriding considerations and MMRP to the City
City Council. <i>Continued from the October 14, 2014 meeting
Tentative City Council hearing date: November 3, 2014.</i> |
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Aarti Shrivastava, Assistant City Manager, summarized results of the October 14, 2014 meeting discussion/action:

- Citywide development allocation: 5-0 straw vote to eliminate the residential allocation numbers
- Commercial: No change to staff recommendation
- Hotel: 5-0 straw vote to add 1,000 hotel rooms to the hotel allocation
- Office: 3-2 straw vote to pick Alt. A, 500,000 sq. ft. additional and to eliminate the major company office allocation pool so they could be combined together
- Community Benefits Program: 3-2 straw vote not to have one.

Aarti Shrivastava:

- Said there were three issues that called for the Commission's preference on which one to take first; the heights issues, the housing elements sites issue, and Vallco.

Heights

Vice Chair Lee:

- What is the height the Hamptons wanted?

Aarti Shrivastava:

- Said 85 was the tallest height; received letter from Hamptons that having consulted with Apple they were okay with the recommendation of the balanced plan. The current height limit is 60 feet. Relative to heights, she said they can help determine what heights they want; the discussion of heights in the heights map at least in the balanced plan Alt. A, B, and C reflect the densities on the housing element sites as well. If the Commission was interested in going with a certain density on a certain housing element site, staff could help with what height would be needed to build that density. They

would go back to the height issue when doing the housing element; they could decide they wanted to do the housing element first.

Chair Brophy:

- For sites that are potentially housing element sites but also could be used for non-housing purposes, they can cover the Hamptons; can they have different sets of heights?

Aarti Shrivastava:

- Said they could; some of the sites in the study area; at least 4 areas where housing was not proposed are the Stevens Creek office site, City Center site, Cupertino Inn as well as the Kimpco Hotel site; those are 4 sites in the study areas where their first choice was not to put in housing; they wanted to put in either office or hotel, but they had requested height limits to be increased. That's an example of sites where there wouldn't be housing element sites but the height issue would still come up as an issue. Said they currently have that as density, if the Commission wanted that as heights that could be done.

Housing Element

Chair Brophy:

- Said he already expressed his concerns to staff last week, his views are different of what priorities would be; the issue was clearly raised by the three speakers tonight and revolves around Vallco. He said he felt that in order for Vallco to be redeveloped, it has limited future as a purely retail facility, and no matter how much they may want that, it has clearly been declining. There are universal declines in brick and mortar retail and most importantly two of the three anchors there have serious declines in their business nationwide, so it's not going to survive. Some sort of mixed use would be planned but Vallco should not be in the housing element site. He strongly urged that they discuss later about how best to handle it in the General Plan Amendment, but on the housing element he would not want to see any units assigned to Vallco.

Com. Gong:

- One of the speakers asked for clarification if a site is on the housing element, how would the current zoning be affected?

Aarti Shrivastava:

- Said some sites don't currently allow housing, e.g., the Oaks, so the zoning would change to put in housing; some sites already allow housing and in that case they would be permitted to build housing; it all depends on the sites. The city would have to change the zoning to make that happen; that is part of the mandate.

Com. Sun:

- What was the Housing Commission's recommendation for sites?

Piu Ghosh, Senior Planner:

- The action item that the Housing Commission voted on is looking at the priority of the sites as opposed to specifically recommending sites as housing element sites; they looked at the criteria that staff and HCD had identified and based on that there was a recommended sites list; the sites were prioritized based on that and the Housing Commission agreed or recommended that the Planning Commission use that criteria to prioritize the sites that would have been recommended. The Housing Commission agreed with the priority listed, but they weren't asked to finalize the list of sites.

Chair Brophy:

- Said he had concerns about the criteria for site selection; the ones that HCD sets were locked in and those are logical ones from a regulatory agency but he disagreed with some of the ones that have been added by the city. Said he felt criteria that are unreasonably eliminating sites located on major transportation routes with access to transit or within half mile of VTA priority development area and also located near higher density housing in close proximity to employment and activity centers. Said his concern with these criteria is the reality in Cupertino of the extreme low use of public transportation by people who live anywhere in the town; the only people who ride the bus are those who have no access to cars. Santa Clara County is a sprawling suburban location and to the extent we would say that, i.e., the Biltmore on Stevens Creek Blvd. is a better location because it is in the transportation corridor; however, in fact a maximum of 1% or 2% of the people take the bus; we should not choose locations on Stevens Creek over locations that are not on Stevens Creek.
- As a general planning principle it works fine in places where you have substantial use of public transportation to work, but he said he didn't see how choosing one location over another in town would change the use of public transportation.

Aarti Shrivastava:

- Said they recognize that presently the public transit is not at a level that makes it easy to use; however, VTA has plans for certain areas. The Commission doesn't have to agree; staff is fine with wherever it is put in. Said all they have to go by are the plans that VTA has because the city doesn't plan public transportation but they look at the planned routes. Stevens Creek/DeAnza is a VTA priority development area; if any transportation improvements are going to come in, that's going to be the location; no other part of town is going to have it.
- The second idea is and this may or may not be of interest to the Planning Commission; transportation state funding is moving more towards giving cities funding for infrastructure and planning in those PDA's; so the city over the years may stand to gain some additional help in building infrastructure in these areas rather than in any other areas.
- The final reason they did this is one of the big community concerns with housing was school impacts. While these are not specifically supposed to be considered, areas where housing has been proposed are most likely going to be areas that have the lively town center formats that will be more attractive to young workers or active seniors and that helps with the school impacts. It doesn't mean the Commission has to agree with them; the Commission is free to recommend other sites. Said to the extent that every one of these sites has multiple ownerships, it becomes difficult to convince HCD (State Department of Housing and Community Development) that these are going to happen in the next 8 years; therefore, they would recommend a balance of sites to go with a strong list to HCD that meets HCD criteria because time is an issue. Once they forward the draft it takes about 60 days to respond and because time could run out, they want to go in with a good list.
- There is not a lot of time for back and forth discussion.

Vice Chair Lee:

- Asked Chair Brophy what he was proposing if he was saying that purely retail will not work due to declining retail and big box shopping. Said they discussed office at the last meeting and how they would be further imbalanced if they add office; talking about 40 acres or something in the Vallco Shopping district; the only other thing is residential; it says Alt. C or balanced plan 600 or 800.

Chair Brophy:

- Said his argument was that he did not know what will happen to Vallco; it will get worse and it will have to be redeveloped but absent an owner who comes in with a specific plan, he believes that housing can play a role at Vallco; but at this time he was not willing to put Vallco onto the housing element sites list where in effect the city has given the presumption that housing will be approved at any site on the housing element. Said he was happy to put language in the General Plan saying they

understand that it is badly in need of redevelopment and it will likely include mixed use but he was not willing to commit the city. Said he would look at other sites; leally they have 1002 units that have to be approved by HCD which converts into having 1400 to send to them to allow for their refusing or downgrading sites, but they have to propose 1400 units. He said he had ones that are on the low list or no list at all that he submitted to staff, and they can provide their impressions.

- Shared his insights; said he would add units in the Hamptons; the letter received from Irvine Co. points out that there is no way the owner of the Hamptons can justify tearing down 340 units and replacing them with 600+ units. Given the unique location of the Hamptons, where it is immediately adjoining a 14,000 employee campus; it doesn't come near any residential areas; it would be mid-rise housing with a limited number of school children; it is next to the Hwy 280 interchange that he would look at numbers similar to what the Irvine Co. has requested in the letter. They state that adding 344 units would not justify tearing down the existing 342; they are requesting permission to build 1,090 which is a net new increase of 748. A significant percentage of the people living there would be working at the Apple 2 campus. Concerns that staff have is that it is a large number on a single site and HCD may look askance at that type of request.

Aarti Shrivastava:

- Said they could say they had 6 sites on the current list and want to keep that many regardless of how many the Commission may want to give one site or the other because last time they had 13 sites; the idea if they have a couple of sites and meet all of the unit requirements, the odds of convincing HCD about those redeveloping are much lower. They might have a chance to do a lot of back and forth if they had a lot of time and they don't.

Chair Brophy:

- Said the first place to look for housing is the 748 number that the Irvine Co. mentioned in their October 14 letter.

Com. Gong:

- Suggested since they started on this path, to consider buildup to the HCD numbers with sites that they want to put forward; not 13 but the 6 or 7 that city staff is looking to put forward.

Chair Brophy:

- Said he supported that; if they drop out the 600 from Vallco, they will need more than that; perhaps two or three sites to replace Vallco. In terms of the discussion during the last housing element, one aspect that HCD has been most willing to be responsive to, is on apartment complexes built in the 60s or 70s at much lower densities and that could reasonably be upgraded, similar to what was done with other projects where they squeezed in more. One place to look at more would be the Villages, adding it to Glenbrook. HCD has expressed some concern that these sites were on the last housing element and nothing happened.

Com. Gong:

- Said if they are looking at the current recommended housing list and already bumped Hamptons up to 748 rather than the 344, they are only looking at other 400ish units; not looking at a critical mass.

Chair Brophy:

- Said it would be a net increase of just over 400; they are down 200 if throw out Vallco; 235 units at the Oaks; the Oaks is an example of a center that also has seen better days; 235 is a high number there and suggestion to staff is they look at a number half that and that would still allow for a substantial development right on Stevens Creek Blvd that would minimize impacts on school enrollment and on traffic in residential areas, and still allow for a small rebuilding of a neighborhood shopping center that serves the DeAnza community as well as the residential area there. Said he thought the number was

120 that he suggested to staff, which would require them to find between the first three if they raised the Hamptons by 400, dropped 600 at Vallco and a little over a 100 at the Oaks, would have 300 to make up. The first one that jumps out to make up for it just sticking to the top list, Glenbrook is 517 units existing and it's presently 20 units to the acre; that is a much lower density than would be built today on that parcel; nobody would build that low density; said by his calculations at 30 to the acre they would get 265 additional.

- In terms of large numbers, one would be the Villages, the same sort of thing; 20 per acre, if going to 30, that's another 265; another site along Stevens Creek, that would be less likely to affect school enrollment is Stevens Creek Office Center which they had requested.
- Those are the 3 big ones; Glenbrook going from 20 to 30; Villages going from 20 to 30 and Stevens Creek Office Center at 214 with 40 per acre with 60 ft. height as was originally suggested. If you take away the 600 from Vallco out of the housing element and take away half the units at the Oaks as he suggested, there are still plenty of places to meet the state requirement; but if the majority want to put the Vallco units into the housing element, then much of this is moot.

Com. Sun:

- Expressed his concern about Vallco; everyone is concerned about how to revitalize Vallco as a center of Cupertino; he said at this stage he was not clear if they entirely take Vallco out of the housing element, is it good for the future planning to have a mixed use center? Said he might prefer to keep some element of housing there; perhaps reduce from 600 to some number to give the developer some room to revitalize some incentive as some residents are going to have concerns; they have some preconditions; they have to have continued study session and make sure because they have already held 3 study sessions. He said he was surprised that it came to the Planning Commission with 600 housing element which is contrary with the former 3 study sessions with the public input. Said he wanted Cupertino to have the capacity to revitalize Vallco as nobody is happy with its current state. Said for housing purposes, he felt 200 to 400 is possible but they have to have a pre-condition. He said he did not feel confident about the transportation in that area. If they put 400 units or 200 units and combine with mixed use, the public transportation problem has to be solved within that certain area because it is going to be a traffic congested area; so far there is no clear picture or solution for that. If the Vallco element is put there, it is going to cause more trouble.

Com. Gong:

- Asked Com. Sun if he was proposing that there be public input and that the developer must come up with a viable traffic mitigation plan?

Com. Sun:

- Yes, it is the second condition; we need some number to the public and developer from economic reasoning, what is the number they can have as an incentive to revitalize the center?

Barbara Coutts, Consulting Attorney:

- Said in terms of the sites and the adequacy of the sites the test is whether there is evidence in the record that the sites can be developed in the way you show them in the housing element in the next 8 years. The issue about a traffic mitigation condition is that if it didn't seem like something that could be resolved and it made it questionable whether the site would be developed that could be problematic; that is what the test is; whether it seems that the sites have the capability of being developed at the density that you are showing in the housing element in the next 8 years.

Com. Sun:

- The second issue for the top priority is the lease, have some uncertainty about the ownership and the future construction; if there is nothing happening in the next 8 or 10 years. If there is no transaction happening so the potential buyer couldn't build any house; is it possible to put some certain

ownership; they have a concrete plan to build there to put into the priority list; what is the logic there?

Consulting Attorney:

- Paraphrased Com. Sun's question; if he would like to say that you can be in the priority list if you have a concrete plan to develop? The difficulty is you have to submit the plan to HCD now as your Community Development Director is telling you and if you wanted to have that kind of condition, they would have to meet it now.
- If you are planning 8 years into the future you don't know what is going to happen; what you have to have in your housing element now is your best projection based on what the owners have indicated their interest in and what you know now about which sites are likely to be developed in the next 8 years, recognizing that 8 years is a long time. Staff tried to pick sites where the owners had shown an interest in redevelopment; not sites where someone said they have no interest in doing anything anytime, so to the extent that you can know the future right now, these are the sites that seem likely to develop.

Chair Brophy:

- Said they need to resolve Vallco first; If they don't include Vallco in the housing element, there is nothing that prevents a future Planning Commission and City Council from approving a project that has a thousand units there if they so desire. He doesn't want to lock the city into a situation where in effect they are telling the developer they are guaranteeing them that he will have 600 or 300 units and then the burden is on the city to prove that the scheme he is proposing is not desirable. Said he did not have a problem with saying that Vallco needs to be reused; said his objection is having it as a housing element site.

Com. Gong:

- Said her concern with Vallco now is that there is not a plan; there is still fragmented ownership as it stands and going forward without any plan other than this is their dream. Said she was hesitant to allot them the maximum amount of housing they are looking for without understanding and without having community input into what will transpire. She is hesitant to add it to the list now for the next 8 years.

Vice Chair Lee:

- Said she could support removing it from the housing element site; a maximum of up to 200 units, but there are other sites they could give more housing units to and not add additional housing elements to the list.

Com. Gong:

- Because as Chair Brophy said, it doesn't preclude them from having one buyer come in and drawing up plans and presenting them to the city and public; there is nothing to stop them from proceeding. They are discussing the housing element list; if they don't include them it doesn't preclude them from moving forward.

Chair Brophy:

- Noted for the record that they received a letter from Sandhill Properties saying that they have all the parcels under control and would like to move forward; the staff suggestion was 600 units in the housing element and one million square feet of office; Sandhill requested two million sq. ft. of office.

Aarti Shrivastava:

- Explained the reason it was put in the housing element by staff, once they had 1400 units worth of housing, adding more housing in the city could be an issue and they were trying to achieve a number of goals with the housing element and not necessarily require more housing to achieve the goals. If the Commission feels otherwise and they feel they could support other uses of Vallco regardless in

addition to the housing element, that is a recommendation they can make.

Chair Brophy:

- Said they were presently addressing only the housing element. Ms. Shrivastava's point is if they approve all these others they will be built and then they will come back and somebody request housing at Vallco, although as pointed out in the last meeting, they had 12 or 13 sites and only one got developed in the previous housing element round.

Aarti Shrivastava:

- The difference between then and now if there wasn't a lot of owner interest solicited at the time where people didn't come in with sites; this time it is changing and HCD is looking for some of that. Said they could review the level of interest with all the owners of the recommended sites. She reviewed the sites where they have received interest from the property owners. The Oaks, Vallco, Hamptons, and Barry Swenson is another site a developer is looking at for affordable housing. In terms of United Furniture and Glenbrook no active letters have been received; but staff ensured that all the owners of all those sites have received letters from the city saying that they have been recommended or are being looked at as a housing element site. Relative to the Swenson site, there is a developer who is looking to purchase the site for an affordable housing project in partnership related to another project. Noted that sites 4, 5 and 6 are existing housing element sites; they are currently in the 2007-2014 housing element.

Piu Ghosh:

- Said they had not heard anything new from them so recommended removal; it is site at the southwest corner of Homestead and Stelling, church (not reflected on the list).

Aarti Shrivastava:

- Reported that they have interest from Marina Plaza, Stevens Creek Office had requested a density of 40 units per acre at one point; have not received active interest on the part of sites 9, 10, 11 or 12; 13; do have interest at 40 units per acre. This is the final list consisting of items 14 and 15; 14 have not received any letters; 15 the property owner had some questions about it and not sure if they received a No or Yes from them.

Piu Ghosh:

- We have not yet heard a No from property owner; however there was someone looking at potentially redeveloping it; 16 and 17 interest, 18 no owner interest received in redeveloping the site at this time; 18 is on the current housing element; 14, and 15 are currently on the housing element list.

Chair Brophy:

- Said he was willing to move away from Stevens Creek to get some of the units; the Hamptons begin with over 748 units if they are approved by the request of Irvine Co. in their letter; looking at the Villages according to the numbers, if you take an existing complex at 20 and go to 30 which is well below what new projects are being built, that would be 265; Glenbrook the same thing going from 20 to 30 would give you 305; thought the Karl Berg site was not at 30 per acre, 203 units at 25 per acre, 169; this is an existing housing element site; an office complex at the north end of Bandle (next to the Villages). On the Aria scan design the reluctance of the staff is because it is a mid-block site and it is only a couple of acres to begin with. He suggested if it was made into a housing unit, that it be included with the credit union building and the gas station with the understanding that it would involve a site assembly of 3 parcels which is less than ideal, but in a fully developed community like Cupertino, not uncommon for what happens if we look at the example of the Biltmore expansion that was 3 parcels. He said the Aria site was not a big site but if it could be expanded to the corner, you would get 87 units at 25 per acre. Said he removed Loree Shopping Center which was one of the ones

on that list; the Barry Swenson Cyprus building site was combined; didn't realize there was somebody interested in the Barry Swenson site, but the Cyprus property next to it gives 5.53 acres; at 25 or 30 you would be at 116 to 139; United Furniture site at 25 to 30 is 103 to 124; the two sites on Foothill, Foothill and McClellan don't have a problem with them, they are not very large; those are what they are requesting, it is 19 units and 27 units; Stevens Creek Office Center which is the office center that includes the Panera and Peets; they requested 40 per acre; 60 foot height at 214 units; that seems a little high; would consider 35 per acre at 187 units, although I would be willing to go to 40 if that's what we need to meet our target; the last one is the Granite Rock Summerwinds on So. DeAnza there at 40 per acre, 154 units, that seemed high to me; I thought maybe 35 per acre would get you down to 135 units; and the last site not on the list this is the parking lot in City Center which the owners are cognizant of but haven't responded formally. The argument there would be the parking lot if you put an apartment building, this is the one example where I would look at a higher height, an apartment building at the same height as the neighboring apartment building; I don't have a count for that but would guess it's 75 or 80 units.

- There is a parking lot next to an apartment building; not sure if it is La Boulanger; there is a residential along Stevens Creek, all of it is City Center. If you use the parking lot and put another apartment building there, no taller than the existing one, you could get 75 units.

Aarti Shrivastava:

- Depends on the density you want to build it at; you could get up to 130 units on that site if you built it at the same density as Montebello.

Chair Brophy:

- Said that concluded his list which he has discussed with staff for some time and wrote them out as possible sites.

Com. Gong:

- Said it was 12 properties well over the 6 or 7; trying to give lots of options. That's not all recommended, there are some alternates.

Chair Brophy:

- Said those are the ones he would be comfortable with; some more so than others. The two on Foothill are small; the Bateh Bros. and Foothill McClellan site; staff is not enthused by those.

Com. Gong:

- Stated her recommendations; said as a result of listening to the community and developers her list included the Oaks at 150, Hamptons at 748, United Furniture at 103, Barry Swenson property since learning there is a possible developer for affordable housing it goes to the top even though it is at 11 units; Glenbrook at 300, the Marina at 232, and the Bateh Bros. at 19. It distributes the housing element sites amongst the city limits instead of concentrating it in the Stevens Creek corridor which is what was heard from the community, that they would like more distributed options. This feels like more distributed, sharing the burden, the game plan; they are looking for about 1400 units. Oaks 235, no talk about Vallco; if putting a number it would be 200, Hamptons 748; balance the plan 344 additional, either meet their requirement or zero.

Chair Brophy:

- Clarified they are talking about tearing down 320 units, but said they can't tear down 320 top of the line apartment units to build 700 to get the only 700; would you agree that the original staff recommendation of 344 is not a viable option?

Com. Sun:

- 748 for Hamptons; United Furniture drop off the list; 11 for Barry Swenson, small, don't care; keep the 11 there; Glenbrook keep it at 93; agree with Gong to up No. 7 Marina Plaza to 200.

Vice Chair Lee:

- Oaks 150, Gong said as well; Hamptons 748, United Furniture 103, Barry Swenson 11, Glenbrook 300; the last two sites Village 265 and delete Karl Berg.

Chair Brophy:

- Oaks 120, Hamptons 748, United Furniture 103, Glenbrook 300, Villages 265, Stevens Creek Office Center 35 to the acre which is 187. One center not discussed is Summerwinds. (staff said it is on the alternatives sites list and they could bring up the numbers if they wished to.
- Said he would look at Granite Rock Summerwinds at 35 to the acre; get 135 and Marina Plaza, which was not included. Said it is a mini version of his my argument against Vallco; it is a thriving retail center and to give them 200 to 230 units he said he was not convinced that they could effectively develop that many units to use. Mr. McKibbins termed another Rosebowl there and still make the retail work on that site. If they were to come in with a plan requesting a conditional use of 25 to the acre he would consider it, look at their plan, make sure it still works as an effective retail; but for housing element purposes he was not willing to include that or the housing element.
- He reviewed the sites where there is most agreement. Summarized that all have included Hamptons at 748; all have Oaks on the list; Chair Brophy has 120, 150 two people and 235 is Com. Sun, 150 Com. Lee and Com. Gong. Com. Sun said he would go with majority under 150. Said he felt they could get Barry Swenson out of the way;

Aarti Shrivastava:

- Said they can go to United 103, 3 people for United Furniture; (Don did not have United 103) and Barry Swenson and Glenbrook 300, 3 people and Sun have 93; Glenbrook ahead of United Furniture; just counting Hamptons, Oaks, Barry Swenson and Glenbrook we are just over 1200; Glenbrook 3 people. Vice Chair Lee and Chair Brophy put Villages down for 265; neither of you put Villages; what is your feeling on Villages? Com. Sun feels Villages too crowded; difficult to put housing there. Com. Gong prefers Summerwinds over Villages, but if a compromise, would ask for Summerwinds and a reduction on villages.

Chair Brophy:

- Summerwinds put 35 to the acre; 135 units. Com. Gong has Summerwinds on list also; not okay at 135 for Com. Sun.

Vice Chair Lee:

- Said her concern was a small lot and the height would jump up; stand out a lot. Com. Gong ok with Summerwinds at 96 since it is a smaller lot and further out; 25 units to the acre at 35, it should be in the 45 foot range and might have to build smaller units to get within 45; if it is still 45 that's ok that is most of the height; 3 floors; Com. Gong can compromise on 96 at the 25.

Chair Brophy:

- There is nothing to prevent a developer from coming in and asking for more; question of housing element here; Granite Rock Summerwinds at 96, just about 1400. How does anyone feel about Stevens Creek Office Center? Is he the only one for that one?

Com. Gong:

- As opposed to come somewhere in between on the Villages? Is Com. Sun at zero at Villages, Summerwinds.

Com. Sun:

- Yes on Villages; can go with 96 for Summerwinds; consensus on 96.

Chair Brophy reviewed:

- 748 Hamptons; 150 Oaks; 11 Barry Swenson; 96 Granite Rock/Summerwinds; 3 votes for 300 at Glenbrook; 3 votes for United at 103; gets to 1408; Is more needed to go to Council?

Aarti Shrivastava:

- Give time to look at the sites; may need more time to look at the HCD criteria but the numbers look good and the numbers sites are good. If Granite Rock is approved at 25 the heights would be in the 45 foot range. Does anyone want to give the City Council any alternatives over 1400?

Com. Gong:

- Willing to look at the Villages at not the 265; perhaps 100 ... alternative sites for the Council.

Chair Brophy:

- The Villages at their existing zoning of 20 according to the earlier studies, you could gain 62 just by going up to 20; they could add 62 under their existing zoning; it is simply going to 100.

Com. Sun:

- The traffic on Wolfe and Homestead is going to be jammed; perhaps take the Villages off the list; don't put it from alternative up to the priority. Said he visited Marina Foods who intends to put in some mixed use whether they are given enough housing to build it and he said they need to listen to them because the ownership is fairly certain whether they are given an upgrade from 140 to 200. Most of the priority list is Oaks, Vallco and some others; the ownership is uncertain; for Marina Foods this traffic is closing to cross street DeAnza and Stevens Creek and if senior housing element is there, it is putting about 10% to 2% senior active element there. It is good for the future of Cupertino's seniors to stay there because Cupertino is now 35 to 40% seniors already; they downsize from big house to small house; it is the only place to reduce traffic to put some seniors there.

Chair Brophy:

- Said they had the issue come up last week; asked the consulting attorney if they could create a housing element site that would be limited to senior housing.

Consulting Attorney:

- Explained there are issues about limiting sites to senior housing when the owner has not requested to build senior housing there; there is a protection in the Fair Housing laws both state and federal laws against discriminating against families with children; whereas if an owner requests senior housing there are ways to do it, but if a city requires that the only housing is senior housing, there could be a fair housing issue, so it is not something she would advise.

Chair Brophy:

- Said it was his understanding that if they put it in the housing element, they cannot make it subject to being senior housing.

Com. Sun:

- Said he didn't want to mandate senior housing, just express his concern for the seniors and said they can ask the owner if they are willing to do the senior housing; senior housing has two types, either long term senior care related or just active senior housing.

Aarti Shrivastava:

- At this point what might make sense given that there are six sites being recommended, is to read it off the list and say if the priority is correct; then go to the sites the Commission may want to remove entirely or leave the rest of them on the alternative sites list and talk about what densities those might be. The Hamptons is one, the Oaks two, United Furniture is three, Barry Swenson four, Glenbrook five, Granite Rock Summerwinds six; that is the list at this time. The alternative sites list: the Villages 100 units; and we can determine if the Commission wants to add other sites to that alternative sites list.

Chair Brophy:

- Said he spoke against the Marina; and two have spoken in support of it.

Com. Gong:

- Said at the previous meeting she asked for clarification; currently Marina is zoned for housing (Aarti Shrivastava: mixed use/residential is allowed at 25 units).

Vice Chair Lee:

- Said she did not support putting them on housing element site.

Chair Brophy:

- Said they were at a 2/2 draw; if presenting it to the Council on Marina, what number are we divided on here; are you interested in the 145 or the 204? It is a conditional use, not a permitted use.

Com. Gong:

- They are already allowed 145.

Aarti Shrivastava:

- Presently those are permitted uses; the proposal is to make mixed use/residential sites that are not housing element sites conditional, but that is not the case at this time.

Chair Brophy:

- Said since they are split, he was not opposed to the idea of residential, just concerned about it being on the housing element, but if both want it, need to know what number to put down for the Council to consider.

Com. Gong/Com. Sun agreed:

- Would like as an alternative at 204.

Chair Brophy summarized:

- **Straw Vote on individual Housing Element sites:**
 - **Recommended sites:**
 1. Hamptons (748 units), 4 votes, Com. Takahashi absent
 2. Oaks (150 units), Com. Takahashi absent
 3. United Furniture (103 units), 3 votes; Com. Sun No, Com. Takahashi absent
 4. Barry Swenson (11 units), 4 votes; Com. Takahashi absent
 5. Glenbrook (300 units), 3 votes; Com. Sun No, Com. Takahashi absent
 6. Granite Rock/Summerwinds (96 units), 4 votes; Com. Takahashi absent
 - (Total 1,408)

- **Alternative Sites:**
 1. Villages (92 units), 3 votes; Com. Sun No, Com. Takahashi absent
 2. Marina Plaza (204 units), 2/2 vote with Coms. Gong and Sun Yes; Chair Brophy, Vice Chair Lee No; Com. Takahashi absent
 3. Carl Berg (169 units), vote 2/2, Chair Brophy, Vice Chair Lee Yes; Coms. Sun and Gong No; Com. Takahashi absent.
- (Total 465 units on alternative sites for total of 1,873 for City Council consideration)

Final Vote on Housing Element sites: 4 votes

- ***Recommended sites and units 1-6 above***
- ***Alternate sites and units, 1-3 above***

Aarti Shrivastava:

- Only height change is Granite Rock and Hamptons; Hamptons will be as recommended in the Plan. The Oaks was recommended at 45 feet, 60 with retail. Response: make it 45. It is not a housing element site, but will ask the question about Vallco later. Density recommended for Glenbrook is 30 dwelling units; the current height is 30 feet; it would be hard to achieve that; it would need a height of 45 ft.

Heights

Chair Brophy:

- As staff defines it, question 3; does the Planning Commission have any recommended changes to the balanced plan; do we have any recommended changes to the height recommended in the special areas here?

North Crossroads Node

Aarti Shrivastava:

- The Oaks to stay at 45; North Crossroads Node includes (shown on overhead) properties from Stevens Creek office all the way to DeAnza Blvd. and includes about half the depth of the Whole Foods; recommended at 45 or 60 with retail, the idea being if somebody were building office in the area because as recalls the recommendation was to put in a certain amount of office and it is up to the Planning Commission to decide if they wanted the current heights at/or 45 feet.

Com. Gong:

- Said if going to increase heights anywhere, the north corner would be the corner from 45 to 60.

Vice Chair Lee:

- Staff talked about the Oaks as well; a lot of people want to see the Oaks redeveloped; the city doesn't have a lot of conference space; not talking about Oaks but most of the city is 45 feet so if discussing about increasing heights along DeAnza it changes the look and feel of Cupertino; lot of folks don't want to change the look and feel of it as you drive down Stevens Creek or DeAnza.
- Said she would propose to increase heights for the Hamptons; if there is a need to have a professional meeting, there is no conference center space and they have to go to San Jose. There are some proposals to increase height for a conference center space but don't know of any in the Oaks but most of the city is 45 feet. Would not support increasing an entire street; increase the height, it increases the intensity and a lot more traffic.
- Relative to traffic, if you increase heights there will be more people and more intensity, then more traffic; said she would just increase heights because they have a reason to.

Chair Brophy:

- For the north crossroads node you would go with keeping it as is; flat 45.

Com. Sun:

- The permits for that area is linked; agree with Com. Gong for 45 foot height with 60 retail.

Chair Brophy:

- Probably more along the lines with Vice Chair Lee, go with 45 with 60 ft retail, for 3/1; that area is pretty well built out and it won't have much effect.

Aarti Shrivastava:

- Explained the recommendation; there are currently taller buildings in that area, but the current heights in the General Plan are 45 feet which is 3 stories and the recommendation was to go 60 and 75 with retail but only in the asterisked areas which is the parking lot in general. They could go to 90 with community benefits; however, the Commission has decided not to go with community benefits, hence they are looking for a general recommendation on height.

Chair Brophy:

- Said he was pushing for converting the parking lot to a midrise office building but if that is not in the works would keep the existing heights, because people were unhappy when City Center was built; and unless they are helping to solve the housing element problem, he would just like to keep any new development at the existing level.

Com. Sun:

- Said he agreed.

Com. Gong:

- Said she agreed with what Vice Chair Lee said previously; if there is not a reason, they shouldn't change it at this point.

Chair Brophy: Unanimous on that one.

- *Straw Vote: North Crossroads Node – No Change – 4 votes*

Piu Ghosh:

- South Vallco Park, currently 45 ft or 60 ft with retail, no change.

Aarti Shrivastava:

- North DeAnza Blvd. special area: current heights are 45; we are recommending 60; all office; the current Apple buildings are 60 feet.

Chair Brophy:

- Agrees with Vice Chair Lee; don't see why they want to add more; there is nothing there to redevelop.

Aarti Shrivastava:

- The existing office sites; you could redesign a site, keep it the same: current is 45; it is being recommended at 60 ft. Heights used to be 60 in that area; that is why they could build at 60; staff recommendation is to bring it back to 60.

Coms. Gong, Sun, Lee and Brophy: support 60

Vallco Shopping District west of Wolfe Rd:**Chair Brophy:**

- Said they are saying the General Plan is 45 or 60 with retail and now since they voted against community benefits, they are saying leave it unchanged. Staff said it depends on what the Commission wants. Balanced Plan says 45 or 60 with retail; is that what you still want?

Aarti Shrivastava:

- The current heights are 45 and 60 with retail; the recommended Balanced Plan was to stay with the 2005 General Plan but to give additional height along Wolfe for up to 75 feet with community benefits.

Chair Brophy:

- To the extent, if we vote against community benefits it would remain unchanged.

Aarti Shrivastava:

- Said unless they wish to give the height without community benefits; it is the Commission's choice.

Vice Chair Lee:

- Said they did not hear from neighbors who live there; Portal area won't get sun in the morning; it is currently at 45 or 60 feet with retail. Coms. Sun, Lee, Brophy, Gong: no change.
- East of Wolfe Rd. staff is asking to go to 60 or 75 with retail; what does this back up to?

Aarti Shrivastava:

- It is 60, 75 with retail; It is in a box, it's 60 feet, 75 with retail or 90 with community benefits.

Com. Sun:

- Go with 75.

Com. Gong:

- Fairly well set back, would support 60 with 75 with retail.

Chair Brophy:

- Stick with what Rosebowl is which is 45 or 60 with retail;

Vice Chair Lee: 60 with 75 ft.

- Vote: 3 votes for 60 ft. 75 with retail

- **Straw Vote:**

- *Vallco Shopping District (West of Wolfe Rd.) – No Change – 4 votes*
 - *Vallco Shopping District (East of Wolfe Rd.) – 60 ft. 75 with retail 3/1 Chair Brophy voting No.*

North DeAnza Gateway:

- Currently the limit is 45 ft; staff recommendation is 45 ft or 60 with retail or 90 ft for hotel and major convention center with community benefits (Cupertino Inn and Goodyear site)

Chair Brophy:

- Go with staff recommendation, but not the 90 ft for community benefits as thought we already decided on that; saying 45 or 60 with retail, not willing to do 90.

Com. Sun:

- The site is quite isolated from the residential area so there is not much impact to the community; said he would go with 90 ft to provide a convention center and hotel; said he would vote for the community benefit but respected other people voting No.

Com. Gong:

- Said she was willing to support the 90 ft. with the convention center caveat; as Vice Chair Lee said they don't have any convention center space.

Vice Chair Lee: agreed.

Chair Brophy:

- What is definition of a major convention center? Is this going to be a couple of meeting rooms like Cyprus? (Vice Chair Lee: Minimum of 500 attendees.) Aarti Shrivastava: 250 was mentioned in the past: the Commission can decide.
- *Straw Vote: No. DeAnza Gateway Area (Homestead Road Special Area) 45 ft./60 ft. with retail/90 ft. for hotel and 500-person convention center – 3/1 Chair Brophy voting No.*

Stelling Gateway:**Aarti Shrivastava:**

- Not recommending this height on the west side of Stelling; currently the height along Stelling is 45 feet; staff recommending 45 ft and 60 with retail only on the east side of Stelling which is the Homestead Lanes property.

Chair Brophy:

- Opposed to adding the 60 ft retail because it will put pressure to tear down the shopping center; would rather keep it the same.

Com. Gong:

- Keep it at 45 as well; Vice Chair Lee, Com. Sun: agree.
- *Straw Vote: Stelling Gateway(Homestead Road Special Area) No Change – 4 Votes*

North Vallco Park Special Area:

- North Vallco Gateway west of Wolfe Rd. (Property with Marriott Courtyard, Hilton Garden, some apartment complexes and the Cupertino Village and Bank of the West)

Aarti Shrivastava:

- When starting out, the discussion was should this whole area, the length be increased because that was a request. Staff recommendation at this time, what's allowed in this area, 60 feet; staff's recommendation is to keep it at 60 ft everywhere except for the areas where hotels are planned, and that is the Kimpcos site for the hotel that includes those two sites, the Bank of the West and the pub, and also hotels along the freeway to increase those to 90 feet for hotel, major convention center with community benefits and we already have the heights of the Hamptons, so everybody agrees with that. We are looking at west of Wolfe.

Chair Brophy:

- Said he understood there is some developable property there with the bank and pub, but do they really want to encourage squeezing more development in; it is hard enough to find parking at Cupertino

Village on Saturday and Sunday. Said he was skeptical it was a good location for a hotel and major convention center facility?.

Coms. Gong, Lee and Sun:

- Said they felt it was not a good location for a convention center. No change for No. Vallco Gateway. The language for east of Wolfe Road is the language already agreed on.
- **Straw Vote: 4 votes**
 - **No. Vallco Gateway (West of Wolfe Rd.) – No Change**
 - **No. Vallco Gateway (East of Wolfe Rd.) – Staff Recommendations**

So. DeAnza Blvd.:

Chair Brophy:

- Didn't we agree on 45 feet; did we end up with Summerwinds in the alternates list; it is on the recommended list at 45.

Com. Gong:

- Supports raising the 45 ft for the Summerwinds as a residential project; **Vice Chair Lee and Com. Sun** agreed.

Chair Brophy:

- Where we go with the merging to one area 30 feet, 25 units to the acre with the exception of the one side.
- **Straw Vote: Summerwinds/Granite Rock and Glenbrooks – Increase height from 30 ft. to 45 ft. – 4 votes**
- **Straw Vote: Building planes along arterials – 1:1 – 4 votes**

Vallco Shopping District

Chair Brophy:

- Clarified they had taken Vallco off the housing element list; that's not to say at this point they cannot talk about what they envision in the General Plan for Vallco; now that it's not part of the housing element anything here would still be subject to the analysis by staff, Commission and Council.

Chair Brophy declared a short recess.

Aarti Shrivastava:

- Said she would talk about what is current and what is in the proposed General Plan about Vallco in the Land Use Section. The current General Plan also talks about Vallco redeveloping as a mixed use site with a master developer and parcel assembly; there are no housing or office numbers in the land use section, it is all in the development allocation section, but what they talk about is creating a specific plan creating a distinct and memorable mixed use town center that is a regional destination and a focal point for the community; that is the goal. The policies require a specific plan prior to any development on that site and a specific plan process would be something similar to what Main Street went through to create their project; that lays out land uses, design standards and guidelines, infrastructural improvements.
- It also talks about a master developer to remove the obstacles related to developing a cohesive district, parcel assembly and a plan for complete redevelopment of the site; a town center plan, land use talks

about high performing retail restaurant and entertainment uses maintaining a minimum of 600,000 sq. ft. of retail; that provides a good source of sales tax for the city and entertainment uses may be included but no more than 30% of the retail uses; and we base that on the current square footage of the entertainment uses that includes the AMC, Bowl More and the skating rink, encouraging a business class hotel with a conference center and active uses; again allowing residential on upper floors with the retail and active uses on the ground floor; and for office encouraging a high quality office space and a pedestrian oriented street grid. It talks about connectivity and making sure that internal streets are connected and they are also connected to the external streets such as Stevens Creek, Vallco Parkway as well as Wolfe Road. It talks about open space in the form of a central town square and additional plazas and greens that create community gatherings spaces and locations for public art; building form, high quality architecture, creating a sense of place similar to language in our current General Plan; it refers to the community benefits program and heights in that community forum diagram.

- It talks about the gateway character of the site because it is a gateway into the city; it talks about a phasing plan that lays out the timing, infrastructure, open space and land use improvements; it talks about parking; talks about trees and providing neighborhood buffers from the adjacent single family residential areas. That is the language currently in the General Plan and we are looking for the Commission's thoughts on the Vallco area.
- Said they were looking for general direction that the Planning Commission wants to take with Vallco; if they want to keep it as it exists; if they are willing to explore other uses, but require certain amount of retail on the site; include ideas and determine which ones are already incorporated or which new ones have to be added based on input received from the Commission.

Chair Brophy:

- Said he had a number of concerns about the language as it currently is; would like to see the community benefit language deleted.

Aarti Shrivastava:

- We understand that; if the community benefits go away, that will be struck.

Chair Brophy:

- 600,000 feet is still a lot of square footage; many people are saying they want all retail and as big as possible; without doing any market research but thinking about other projects, putting that 600K number in may make life difficult for the developer and you may want to consider instead of having a specific number, having some language that says a serious retail component or a major retail component that includes a mixture of entertainment, food and retail without trying to box both yourself and the developer into a set of numbers. Rather than saying it should be also residential/office, high quality convention hotel, he said he would put those things out as possible uses, because in the end the project will have to go through the citizen outreach, Planning Commission, City Council processes, and try to identify more of a vision rather than could be interpreted by a would-be developer as a checklist of requirements.

Aarti Shrivastava:

- Confirmed that Chair Brophy said the mix is okay but he would like to remove the 600K square feet of retail, and then talk about all the uses as possible uses on the site.

Chair Brophy:

- Unlike the housing element at this point said he was not too concerned locking the city in, probably more concerned about having too complex a list of hurdles for a developer to clear and would like to open it up for the creativity of a developer, an architect, etc.

Com. Sun:

- Vallco Shopping Center has been a long term concern for every citizen in Cupertino; for the Planning Commission to make any recommendation they will probably have some different view about Vallco. Said at this stage he would recommend three steps to City Council: (1) Continue the public study session to get all city's input put together and summarize the previous three study sessions with all community; what they want; get their feedback and then give the Council more clear picture what the community needs. (2) He recommended that city staff invite sponsor or developer, or nationwide or regional wide city planner expert especially experts on developing this type of mixed use land development; give seminar on how they can develop Vallco Center. (3) The fundamental concern of Vallco Shopping Center is public transportation; is there any way to solve the Vallco transportation because it is going to have Apple Phase 2 traffic issue too. They want a better traffic consulting firm; try to look for another one to give better prediction; use better model. Said he predicted it would turn worse; and suggested looking for an alternative traffic consultant for better advice. Said he did not want to talk in more detail about what percentage of retail, what percentage of business; that all depends on the community input, depends on the city and also on the developers how they feel they can make money.

Aarti Shrivastava:

- A specific plan will require a traffic consultant as well as urban design consultants so your recommendations could be incorporated as part of that; as well as the public work sessions, similar to the Main Street project. The idea would be as part of the specific plan process, a developer can come in and make a recommendation on the kind of project and have community workshops so that you could get information from the community.

Com. Gong:

- Said she agreed on the town center concept with the mix of retail, entertainment, residential and office; but again with Chair Brophy, it is premature to state specifics at this time.

Vice Chair Lee:

- Said she wanted to keep it mostly retail, but would agree with Chair Brophy's comments if the site *may include* some housing; it *may include* some office but it shouldn't be that *it must include* office, housing, etc.

Aarti Shrivastava:

- Said she did not feel that was the intent; they need to make that clear that if office, retail or hotel is included, there are expectations for how they will work on the site and a list of possible uses and some guidance on how they should be included.

Vice Chair Lee:

- Also may include a major convention center and a five star hotel or something similar.

Chair Brophy:

- Said he knew of 3 national developers who looked at Vallco and staff likely has had inquiries from more; it is a tough piece of property to work with; multiple uses. Said he had admiration for what Sandhill did in apparently tying up contracts on the parcels although the letter they submitted envisioned a project. At this stage, they should be extremely careful about language, saying not only what uses they want but how they envision them and what price points and things like that.
- It is a tough enough deal to come up with a concept to try; as long as they have the whole process of requiring a specific plan. Be cautious about throwing out too many expectations at this stage; and saying what they are looking for is something that works as a integrated entity. Try to be modest about what their abilities are to foresee what the solution is for Vallco at this stage.

Aarti Shrivastava:

- Said it is just generic language about high quality architecture and nice spaces; don't think there is language on where to locate them, much of that will depend on the final plan; building neighborhood buffers. Those are some of the things we have heard repeatedly and are some things we have put in; as well as our experience on projects like Main Street, having some language helps and we have used a lot of the existing language in the General Plan. Don't think the point was never to say these uses have to be there on the site but to say a list of possible uses could be in addition to retail, office and residential, and keep the guidance as guidance only. Staff wanted to make sure that the policies that were written hit the right points and that is our intent and we will forward the recommendation to change the uses to be possible uses and include a five star hotel and major convention center.

Com Sun:

- Said the question is whether all commissioners agree that Vallco center is going to turn into the town center, seems like a mystery or are they still keeping 100% for the retail?

Aarti Shrivastava:

- What they heard from the Planning Commission was they were willing to see a mix of uses but you would have to go through specific plan process and the community process to figure out what that mix is; a qualifier was put in at 600K; they don't want a number there, so will just say retail.
- **Straw Vote: Vallco Shopping District Language: 4 Votes**
 - **Remove from Housing Element sites list**
 - **Require Specific Plan with public process**
 - **Remove language about amount of retail**
 - **List office, hotel (would like five-star hotel and major convention center) and residential as possible uses and not requires uses**
 - **Agree on "Town Center" concept**

PG&E and Mirapath Sites**Chair Brophy:**

- Said it was not clear why they would want to commercially zone it; PG&E isn't going to leave the site and it is a marginal location for any kind of commercial business; if the piece is going to be used by PG&E indefinitely, it should be kept as is. If somebody comes in with an alternative idea, resolve it at that time.

Com. Gong:

- What is the probability it would ever become anything but a PG&E site; would we want PG&E to vacate the property; where would they go in our city? We don't want to make it easy for them to vacate the property. I don't have an opinion on it but it is a 25 year lookout so as the consultant says, things can happen. I have no objection to it, unless staff can find a reason why we shouldn't.

Chair Brophy:

- Said perhaps they should re-look at that assuming that someone has an interest and after the Apple 2 campus is built because he recalled it has a substantial impact on Homestead traffic. Said he did not have a strong opinion on it because he didn't feel it would change. It is a strange way to do it without any interest from the property owner. Said they would vacate it if they had another place to go, but there are not a lot of equivalent sites around waiting to take a PG&E yard; it is not a high value piece of land. It may still be a PG&E yard in ten years. If the property became available, if it was a blank piece of property he said he assumed that a would-be owner's first preference would be residential.

Com. Sun:

- Said his position on the site is just a mandate from a public institution or to the commercial; the reason is the possibility whether PG&E wants to sell or transfer it, which would leave some option for the future business if they take this as an opportunity.

Straw Vote: 4 Votes

- *PG&E site - Commercial/Quasi-Public (CG/BO)*
- *Mirapath - Commercial/Industrial (CG/ML)*

MOTION: Motion by Vice Chair Lee, second by Com. Sun, and unanimously carried 4-0-0, Com. Takahashi absent; to approve EA-2013-03 Resolution No. 6760 Alternate of the Cupertino Planning Commission recommending certification of an Environmental Impact Report for the General Plan Amendment, Housing Element Update and associated rezoning project; and adoption of findings and a statement of overriding considerations, mitigation measures, and mitigation monitoring and reporting program consistent with the Planning Commission's recommendation of the project.

MOTION: Motion by Vice Chair Lee, second by Com. Gong, and unanimously carried 4-0-0, Com. Takahashi absent; to adopt GPA-2013-01 in substantially similar form to the attached Resolution 6761 as amended.

MOTION: Motion by Com. Sun, second by Com. Gong, and unanimously carried 4-0-0, Com. Takahashi absent; to authorize staff to in substantial and similar form to the attached Resolution 6762, attachment 3 as amended; the first four in the draft 2014-2022, Housing Element to the State Department of Housing and Community Development; to use the prioritized list of Alternative Housing Element sites in case one or more of the adopted sites are not accepted by HCD as Housing Element sites as amended.

MOTION: Motion by Com. Gong, second by Com. Sun, and unanimously carried 4-0-0, Com. Takahashi absent, to approve the Zoning Map Amendments Z-2013-03 in substantially similar form, to the attached Resolution 6763 as amended.

MOTION: Motion by Com. Sun, second by Com. Gong, and unanimously carried 4-0-0, Com. Takahashi absent; to approve Municipal Code Amendments MCA-2014-01 in substantially similar form to the attached Resolution 6764 as amended.

MOTION: Motion by Vice Chair Lee, second by Com. Sun, and unanimously carried 4-0-0, Com. Takahashi absent, to approve Specific Plan Amendment SPA-2014-01 in substantially similar form to the attached Resolution 6765 attachment 6 as amended.

The meeting was adjourned to the October 28, 2014 Planning Commission meeting at 6:45 p.m.

Respectfully Submitted: /s/Elizabeth Ellis
Elizabeth Ellis, Recording Secretary