

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, CA 95014

CITY OF CUPERTINO
PLANNING COMMISSION MEETING
APPROVED MINUTES

6:45 P.M.	AUGUST 9, 2016	TUESDAY
CITY COUNCIL CHAMBERS		

The regular Planning Commission meeting of August 9, 2016, was called to order at 6:45 p.m. in the Cupertino Council Chambers, 10350 Torre Avenue, Cupertino, CA. by Chair Takahashi.

SALUTE TO THE FLAG
ROLL CALL

Commissioners Present:	Chairperson:	Alan Takahashi
	Commissioner:	Winnie Lee
	Commissioner:	Geoff Paulsen
	Commissioner:	Don Sun
Commissioners Absent:	Vice Chairperson:	Margaret Gong
Staff Present:	Asst. Community Development Director:	Benjamin Fu
	Asst. City Attorney:	Colleen Winchester
	Associate Planner:	Erick Serrano
	Associate Planner:	Gian Paolo Martire

APPROVAL OF MINUTES:

1. *Minutes of the July 26, 2016 Planning Commission meeting:*

The following changes are to be made;

Page 6, bottom of page, Com. Lee comment: Change “800 and 1000” to read “8,000 and 10,000”

Page 7, 2nd paragraph, change “hem” to read “them”

MOTION: Motion by Com. Paulsen, second by Chair Takahashi, and carried 3-1-0, Vice Chair absent; Com. Sun abstain, to approve the July 26, 2016 minutes as amended.

WRITTEN COMMUNICATIONS: None.

POSTPONEMENTS/REMOVAL FROM CALENDAR: None

ORAL COMMUNICATIONS: None

CONSENT CALENDAR: None

PUBLIC HEARING:**2. EXC-2016-04**

**Rita Gupta (Forge-
Vidovich Motel LP
10889 No. DeAnza Blvd.**

Sign Exception Permit to allow a freeway oriented, illuminated wall sign on an existing hotel (Cupertino Inn)

Erick Serrano, Associate Planner, presented the staff report:

- Reviewed the application for Sign Exception Permit to allow a freeway oriented, illuminated wall sign on an existing hotel (Cupertino Inn). The proposal is to remove and replace one wall sign and one new freeway-oriented illuminated wall sign which requires Planning Commission review. A freeway oriented sign means any sign which is located within 660 feet and visible from the freeway right-of-way. He reviewed details of the sign sizes and requirements. The project is considered categorically exempt; staff recommends that the Planning Commission approve the sign exemption per the draft resolution.

Staff answered questions about the application.

General Manager, Cupertino Inn:

- Said they were asking for the signs because Cupertino Inn is No. 1 in Trip Advisor and No. 1 in occupancy and it is only fair to have a sign that works at night; there needs to be proper signage on the highway so that travelers can locate the hotel.

Chair Takahashi opened the public hearing

Jennifer Griffin, Rancho Rinconada resident:

- Asked them to discuss the size of the sign and whether it is facing 280 or not; the Cupertino Inn has been there for many years, if it is facing 280 it is setting a precedent since the issue came up when the application came in for the large hotel that is going in behind Vallco's Penneys building. There was a discussion about the signage coming onto the freeway and redwood trees are there.
- Said it is not San Francisco; if you go along Hwy. 101 by Great America Parkway there are a lot of signs you can see from 101, because it is a hotel, and there is the airport, etc. In Cupertino it is more like a suburban neighborhood; if the sign is facing Hwy. 280 then it should be something that is low key, appropriate for the area and not speaking specifically for Cupertino Inn, it is anything that is coming down the road. A lot of hotel development is being planned all over the city, Vallco has a hotel, Main Street has a hotel, another hotel at the Marina project is going in and she understands people want to have large colorful hotel displays, but probably needs discussion because it is coming up down the road and she is not sure they have done the signage for the hotel behind Penneys or if they have begun building it. She asked them to discuss it and keep Cupertino suburban, have people come and stay but keep it toned down.

Chair Takahashi closed the public hearing.

Com. Paulsen:

- Said he had no questions about the application.

Com. Lee:

- In 2009 the Planning Commission reviewed the sign ordinance. Said she felt the elements of why the sign should be reviewed by the Planning Commission is because it is directed toward the freeway and they want any lighted signs directed toward the freeway to be non-distracting to motorists. Said it would be good for the hotel; and she supported the application; it would not be distracting.

Com. Sun:

- Said he understood Jennifer Griffin's concern, but the sign faces the highway and will not disturb people's sleep. The sign in question does not have a movie so it will not distract the motorists. Said he was not opposed to the application.

Com. Paulsen:

- Said he liked the signs.

Chair Takahashi:

- Said he felt the sign was in good taste and an appropriate size; he did not see any significant issues in supporting it.

MOTION: Motion by Com. Lee, second by Com. Sun, and carried 4-0-0, Vice Chair Gong absent; to approve Application EXC-2016-04 per the draft resolution

3. **MCA-2016-02** Consider amendments to Chapter 19.124, Parking Regulations of the
City of Cupertino Cupertino Municipal Code. The amendment includes allowing
Citywide Location modifications and improvements to legal non-conforming single family
garages. The proposed amendment will also include updates to the standards
for bicycle parking and facilities consistent with the City of Cupertino 2016
Bicycle Transportation Plan adopted on June 21, 2016.
Tentative City Council Hearing Date: September 6, 2016

Gian Paolo Martire, Associate Planner, presented the staff report:

- Reviewed the citywide amendment regarding amendments to Chapter 19.124, Parking Regulations, of the Cupertino Municipal Code; sections being amended are Section 19.124.030 Regulations of Parking, keeping vehicles in various zones, specifically how the city treats legal non-conforming garages in single family homes. The second section is 19.124.040 Regulation for Off-Street Parking and specifically targeting the standards for bicycle parking facilities to be in conformance with the Bicycle Transportation Plan (BTP). The Municipal Code is constantly being reviewed by the city and periodically is brought to the attention of the Planning Commission and City Council; in this case to clarify certain standards particularly with the legal non-conforming garages and the consistency with other planning documents; in this case the BTP. First is the clarification existing standards for non-conforming garage spaces, as a recap and review for those who aren't familiar with the garage standards or parking standards for single family residences in the city.
- For R1 homes we require 4 parking spaces per unit or per single family home; 2 of those have to be covered; 2 of those are unenclosed meaning your driveway space; garage space has to be 20 by 20 space; this city before it was incorporated in 1958; we have a lot of residential tracts such as Rancho Rinconada or Monta Vista that have or were developed prior to the city's incorporation and we have a substantial housing stock in the city, particularly Rancho Rinconada which was incorporated into the city in the late 90s, do not have or are inconsistent with the city's current standards for enclosed garage spaces. Because of that we treat these legal non-conforming spaces, if someone wants to add onto it or make modifications to it, they are governed by the non-conforming ordinance and that limits what fee the property owner can do to that legal non-conforming closed spaces. Typically we do not allow residents or home owners to substantially modify those enclosed spaces or garages unless they are maintaining it because of rot or disrepair or whatever else that may involve safety issues. If someone came into the city and said they want to change a roof out or raise the plate high, typically it has been our enforcement of the non-conforming ordinance to say they cannot do that because they have a legal non-conforming structure and if they are going to make any modifications that enclosed structure has to be 20 by 20 enclosed space. So why are we here doing this? What has happened is

that this has caused a lot of frustration amongst residents who have these non-conforming closed spaces and they want to intensify them, make them better but may not necessarily have the financial means to make a 20 by 20 space or don't have the room to do it, because of the way their primary residence is set up. This has caused a lot of frustration amongst community and staff to enforce these regulations; it puts staff in a bad position sometimes to enforce this. As directed by City Council to re-evaluate the ordinance as currently written and to see if there is a way that allows legal non-conforming single car garages and carports to be modified in a tasteful manner and help the community but also homeowners themselves. We came up with a way that a person or resident homeowner could significantly modify their enclosed space and still meet the code. One of the things we limit those homeowners to do is yes you can modify, you can make it bigger, but you cannot make the garage space smaller. If part of the non-conformity is that you were within the setback, you could go further into the setback. However, if you were going to propose a brand new principle dwelling unit or brand new home, staff would still require to submit 4 conforming enclosed garage spaces. To put a face to what we are talking about, what does a non-conforming garage space look like? An example of a typical style ranch home in Rancho Rinconada is shown in the picture in the staff report. This is the typical situation staff is confronted with; homeowners may want to raise the height, change the roof out, enclose it; but unfortunately many times the answer is they cannot do that.

- The second part of the code amendment is bringing consistency between planning documents in the city. On June 21, 2016 City Council had adopted Cupertino's 2016 BTP, and one of the recommendations of this TP was to amend the parking ordinance to bring into conformance zoning the parking ordinance with this plan. Essentially it is to increase the overall onsite bicycle parking requirements for each land use. As seen in report there is one standard formula for bicycle parking in the city and that was get the auto parking amount and multiply by 5% and that is the bicycle ordinance and through this we wanted to increase the requirement and also add a requirement to certain land uses. In the handout figure Table 3-1 these are the guidelines that the BTP has for zoning and land use requirements and it provided a good framework to look at and establish certain parking requirements for certain land uses. Unfortunately a lot of the land use categories in Column 1 were inconsistent with how we define land uses in our parking ordinance; so further analysis had to be done with a consultant who developed the BTP and come up with differing standards from this. That is presented to make recommendations yay or nay to City Council. Staff does recommend one change or correction to the proposal; Under Office Land Use Category there is the Office Pro Type Manufacturing Land Use class, we have it as one bicycle place for 12,000 square feet. Staff believes that was done in error, it should be consistent with the other office land use class right below it and read "one bicycle parking space per 1,250 sq. ft. or one space per 15 employees whichever is more restrictive." Staff feels it is more consistent all round; the reason for that is they look at a place that is light industrial such as Bubb Road but has a lot of office space for R & D and technology users such as Apple that really don't fit light industrial character but are essentially more of an office use class.
- Staff's recommendation is that the Planning Commission adopt the resolution recommending that the City Council adopt the CEQA determinations and exemptions and further approve an ordinance amending Title 19, Chapter 19.124, Section 19.124.00 Regulations for Parking and Keeping Vehicles in Various Zones, and Section 19.124.040 Regulations for Off-Street Parking Regarding Legal Non-Conforming Single Family Garages and Making Standards for bicycle parking facilities consistent with the City of Cupertino 2016 BTP. It is anticipated to bring back to City Council for first reading on September 20th and a second reading to City Council on October 4th.

Staff answered questions about the application.

Com. Paulsen:

- Asked questions about the bicycle racks, style. He said he did not think charging stations were standardized yet for bikes.

Mr. Martire:

- Said there were various classes and styles of racks.

Com. Sun:

- Asked about different types of bikes such as Moped, electric scooters, pedal bicycles.

Chair Takahashi:

- Should there be specific wording to specify if it includes electric bikes because it is a growing market. Personal recommendation would be to include them so there is no ambiguity in the future about not including them; but with that might come some element of restriction with regard to the overall size.

Colleen Winchester, Attorney:

- Said they would have to look at vehicle code preemption; perhaps a way to resolve that if the Commission wants to include it as part of the recommendation is to say have staff explore that opportunity because you can't ride a motorcycle on a sidewalk.

Com. Sun:

- Said many people may switch from regular car to bike.

Benjamin Fu:

- Said they could consider it; presently the intent of this proposal is to make it consistent with the bike plan published; the bike plan did mention further consideration for electric bikes, bicycles and it does note the capabilities of electric bikes is different than the regular bicycle in terms of charging stations, batteries, enhanced safety and anti-theft options; those are not exactly considered in this plan and the intent is to make that plan consistent with the code. Said they would take it under advisement for future studies.

Chair Takahashi:

- The intent is not to require charging stations at the bike parking as much as accommodating all bike parking including electric bikes; so parking it there but not necessarily expecting that you can actually charge it there. Relative to garages, in terms of reviewing the change and determining minor change, in the spirit of ordinance change that we are proposing, who would be the assigned city staff planner?

Staff:

- Planning would be the call.

Chair Takahashi:

- In case where it is potentially marginal with regard to yes, I want to make it a lot bigger but don't want to make it 20 x 20; what is the means of reconciliation above just one individual?

Benjamin Fu:

- Said the intent is to make the space more compliant, as much as possible so what the language does is it restricts from reducing the size, but if you wish it large, you can do that as long as it meets all the setback requirements although the code requirements is prescribed and they will be reviewed by the Director of Community Development.

Chair Takahashi:

- In terms of limits as set by proposed change, is there any wording that can be added that these are minimum thresholds and encourage greater than the minimum thresholds in terms of requirements for

parking spaces. There are multiple factors that go into whether or not people are going to ride their bikes to that location. Is there a way to encourage more liberal interpretation?

Benjamin Fu:

- Said they always encourage more bicycle parking as much as possible; the concern is when you set the standard of one space per X number of sq. ft., what happens when you have less than X number of feet? Language was placed requiring a minimum number of spaces so that at least a space provides a minimum number of spaces even though it doesn't meet the threshold and the requirement would increase space of the size.

Chair Takahashi opened the public hearing.

Jennifer Griffin:

- Said she would encourage that bike parking at office buildings, schools or new construction, multi-family housing be in a well-lit area and that it be accessible; as a woman walking, everyone needs to be aware of their surroundings; need to make sure there is lighting in the lock up area; also make sure there is good cell phone reception; make sure the vegetation is such that there is clear space and safe area around the bike parking, and have signs for bicycle parking. Relative to legal non-conforming garages, if you have some of these places the garages or carports may have a 3 or 4 ft. setback from fences; they may be grandfathered in; you can't make it bigger and still have it 4 ft. from the fence can you? That needs to be discussed. Also can you convert a carport and have it be living space; how is that handled?

Chair Takahashi closed the public hearing.

Chair Takahashi:

- In terms of the garages and setbacks the point earlier made was that setbacks would be maintained; even if it is a grandfathered setback that is smaller than the current setback, that would be a maintained setback. The other question related to garage conversions.

Mr. Martire:

- Said they would not want to increase that non-conformity itself so if it is a detached garage, for example, raising the plate height would require a greater setback, so we wanted basically to maintain that plate height. Said garage conversions were allowed as long as the garage spaces are replaced; it has to be maintained onsite. If the property owner has sufficient space to accommodate it, they can convert the existing garage into habitable space.

Chair Takahashi:

- In that case if it is a single carport and they convert it and use that current outline to convert into a living space are they obligated to create a carport the same size as the original?

Staff:

- Said they would be required to meet the car parking requirements which is 4 and 20 by 20.

Com. Paulsen:

- Said he supported both proposals and commended staff on an excellent job. Said they are beginning to move away from the automobile; they are baby steps but significant in that they are not requiring that cars have the same parking and they are increasing the bike parking. The speaker had some good comments about lighting prominence; as a bike advocate he would like to see all bike parking required to be placed by the front door, but perhaps staff could consider language that would make bike parking not just safe but also aesthetically visible and accessible. Otherwise some businesses will put it out

back and say they have met the requirement. Said he would leave it to staff judgment to pursue that but would recommend that they include not just language about the safety aspects but also the language about visibility.

Mr. Martire:

- Said the Transportation Plan does address that on table 3-1 and talks about physical location and it gives guidance to 4 developers where to put it, e.g., for commercial or shopping centers their guidance is those facilities should be near with good visibility. He said they would enforce them as much as possible. Relative to tandem parking, said it appeared shallow for a tandem space. It would have to meet the parking requirement; if they were to convert the enclosed space, it still has to meet setback requirements and has to be 20 x 20, tandem would not be compliant under the current ordinance.

Chair Takahashi:

- Said he echoed comments from both Com. Paulsen and Jennifer Griffin to make sure the physical location makes sense and some level of thought goes into the approval of those locations. Aligning to the BTP is a significant positive and is happening quickly. He commended city staff and City Council. Relative to the garages, it is clear that the friction that the current ordinance creates between the city and its residents, especially when you are trying to make a home improvement and you are not allowed to, he saw where people become frustrated with that specific element. He said he felt it was also a positive change and it appears that the staff has thought it out in terms of unintended consequences and making sure there is adequate review with regard to proposed changes. They are both positive changes to the ordinance.

MOTION: Motion by Chair Takahashi, second by Com. Sun, and carried 4-0-0, Vice Chair Gong absent, that the Planning Commission recommend to City Council approval of the application for the changes to the Cupertino Municipal Code, Application MCA-2016-02 and accept correction made by staff to proposal office prototype manufacturing land use class from 1 per 12,000. sq. ft. to 1 per 1,250 sq. ft. or 1 per 15 employees whichever is more restrictive .

OLD BUSINESS: None

NEW BUSINESS: None

REPORT OF THE PLANNING COMMISSION

Environmental Review Committee: No meeting.

Housing Commission: No meeting.

Economic Development Committee Meeting: No report

Parks and Rec: Asked people to participate in the survey

Sustainability Comm: Going to do radio recording themselves

Fine Arts Comm.: Going to continue street art; 5 utility boxes painted last year; goal for this year: 6 painted

Bike Comm.: Excited about BTP; next year will start working on Pedestrian Plan

Library Comm.: Reported on library use which was similar to previous year

Mayor's Monthly Meeting With Commissioners: Com. Sun reported:

- Mayor spoke about his vision and reported on his one month trip to China; said he was impressed with the high speed railroad in China; and was interested in involvement with Sister Cities and Friendship Cities

Report of the Assistant Director of Community Development: None**Com. Sun:**

Announced a Cupertino City Candidate forum will be held Sept. 11, 4:00 p.m. in Community Hall.

ADJOURNMENT:

- The meeting was adjourned to next Planning Commission meeting on August 23, 2016, at 6:45 p.m.

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

Approved as presented: September 27, 2016