

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, CA 95014

CITY OF CUPERTINO
PLANNING COMMISSION MEETING
APPROVED/AMENDED MINUTES

6:45 P.M.	MARCH 14, 2017	TUESDAY
CITY COUNCIL CHAMBERS		

The regular Planning Commission meeting of March 14, 2017, was called to order at 6:45 p.m. in the Cupertino Council Chambers, 10350 Torre Avenue, Cupertino, CA. by Chairperson Don Sun.

SALUTE TO THE FLAG

ROLL CALL

Commissioners Present:	Chairperson:	Don Sun
	Vice Chairperson:	Geoff Paulsen
	Commissioner:	Alan Takahashi
	Commissioner:	David Fung
	Commissioner:	Jerry Liu
Staff Present:	Assistant City Manager:	Aarti Shrivastava
	Asst. Community Development Director:	Benjamin Fu
	Principal Planner:	Piu Ghosh
	Associate Planner:	Erick Serrano
	Deputy City Attorney:	Angela Munuhe

APPROVAL OF MINUTES

Minutes of the February 14, 2017 Planning Commission meeting.

MOTION: Motion by Com Liu, second by Com. Fung, and carried 4-0-1, Vice Chair Paulsen abstain, to approve the minutes of the February 14, 2017 Planning Commission meeting as presented.

POSTPONEMENTS/REMOVAL FROM CALENDAR:

- | | |
|----------------------------|--|
| 2. EXC-2016-08 | Hillside Exception to allow the construction of an |
| Charles Holman | attached pool house and patio to an existing residence |
| (Mahoney residence) | on slopes greater than 30%. Applicant has requested |
| 11406 Lindy Lane | a continuance to the April 11, 2017 meeting. <i>Planning</i> |
| | <i>Commission decision final unless appealed</i> |
| | <i>Item continued to April 11, 2017.</i> |

ORAL COMMUNICATIONS: None

WRITTEN COMMUNICATIONS: None

CONSENT CALENDAR: None

PUBLIC HEARING:**2. EXC-2016-08** *Continued to April 11, 2017*

- 3. MCA-2017-02** Municipal Code Amendment to Title 19, Zoning,
City of Cupertino of the Cupertino Municipal Code, to allow the creation of Single-
Citywide Location Story Overlay Zones in single-family residential zoning districts.

Erick Serrano, Associate Planner, presented the staff report:

- Reviewed the application for Municipal Code Amendment to Title 19, Zoning of the Cupertino Municipal Code, to allow the creation of single-story overlay zones in single-family residential zoning districts. Reviewed the background on the proposed project; currently the city allows for two story homes to be built in the R1 zoning district that meet applicable development regulations, and meet all the necessary findings. Often times neighborhood concerns arise from the proposed building heights, neighborhood compatibility as well as impacts to privacy and light. In this proposed process it is important to note that the city currently has single-story overlay throughout the city; what it does is limits homes to a single-story or 18 feet in that zone. In the past, overlay districts have been accomplished through a map amendment or a zone map amendment; there is no existing application process for a new single-story overlay district. The process for these types of overlay districts typically begin with a neighborhood petitioning Council to make a zone change and then directing staff to move forward with that request. This process is for an existing single-story overlay district that does exist; discussion is about the proposed process to create a clear application process; there is no proposed changes to the rules or regulations that govern single story overlay districts.
- Council directed staff to develop a community general process for the review and processing of requests for single-story overlay districts in the single family residential zones. The intent is to make a process so that a neighborhood or community could determine whether or not they think a single-story overlay district would be best suited for their neighborhood. Staff looked into the process of neighboring jurisdictions as well as current processes they have for similar types of applications. He described the proposed overlay process, characteristics and thresholds, as outlined in staff report.
- He reviewed the overlay district boundary and characteristics outlined in overhead presentation, and reviewed the process for undoing a single-story overlay. The process is similar to doing the single story overlay; the only difference being that you do not have to have existing homes to be single story. What would be done is to define the boundary, petition neighbors, and there would be the mail-in ballot as described and the public hearing schedule. Just as you can place the single-story overlay, there is a process to remove it as well.
- He and Piu Ghosh answered questions about the process stating that the process was a neighborhood community driven approach; the overall process gives staff that ability and they will help the property owners with any questions or issues they would have in getting the application completed.

Chair Sun opened the public hearing.

Jennifer Griffin, Rancho Rinconada resident:

- Recalled the story pole requirement in the city until about five years ago; everything worked fine with the story poles; the property owner had to give copies of the home design to all immediate neighbors. The elimination of the story pole requirement resulted in the need for single-story overlay. Presently San Jose's maximum height is 35 feet, resulting in some homes taller than the width of the lots; Cupertino's maximum height is 28 feet.
- Said she felt it was important that they have single-story overlays or have a method to do this; it is working in Sunnyvale and it gives vintage neighborhoods more control over what is happening. She said she was a proponent of story poles and would welcome them back; however the current proposal

is the next best thing. Each neighborhood is unique, small or large and this is where they are headed. She expressed her concern how to determine the renters vs. the owners and who is voting.

Jan Kucera, Oakview Lane:

- Referred to a photo of the property; said they have been before the Commission and the City Council two or three times, and he has presented the photo to dozens of neighbors, friends, attorneys and architects and they are all scratching their heads saying that this house never should have happened. The view into Mr. Miller's lot with a swim pool is the most offensive thing; the house looks right into his swim pool. Said they got signatures from 14 residents on Oak View Lane that were opposed to the house; only one monster home was built in 1997. Alan Yow said that privacy concerns were taken care of by planting 6 foot and 8 foot trees which would remedy the concerns 20 years later. Mr. Miller will be 97 years old in 20 years and it is ludicrous that he is expected to wait that long for back yard privacy.
- *Not harmonious with immediate neighbors*; even Mayor **Cheng Chang** said it was a monster home, it is 5,500 sq. ft., speaker's home is 1,700 sq. ft. expanded; Mr. Miller's home is 1,500 sq. ft., there is a 5,500 sq. ft. monster home in a single-story neighborhood; speaker's home and Mr. Miller's home were built in 1955; all the homes have been expanded somewhat, harmonious in scale and design.
- *Adverse visual impacts*; The adverse visual impacts show it looks right into Mr. Miller's back yard pool, doesn't meet it. Mr. Miller has had solar panels on his property since 1978; he is a retired Lockheed scientist and was one of first in Cupertino to have solar panels heating his pool. Mr. Miller was going to put electrical panels on the side of his house; this home would have wiped that out.
- State Level DA says California law supersedes the solar panel law that Cupertino has on the books; there is the danger that if this home is ever built we will see the San Jose DA and will make sure that this home doesn't get built. Why are we going to this effort? The City Council said they wanted a single overlay done by December of last year; it is now April/March and they are still talking about it. It was the residents that went through the whole process and the Council said they are going to have to file suit.

Chair Sun closed the public hearing.

Com. Takahashi:

- Said it was the beginning of his second term, and that agenda item is the one he was stuck on; said he voted *Yes* on it, but in hindsight wished he had voted *No*. Said it is driven by the scale element; and there was one speaker in the neighborhood who he felt had the best point, which was harmony in the neighborhood, and harmony is being significantly disturbed by the proposed house in that neighborhood.
- Said it was a big step to mitigate that type of element and support the fact that it is a community driven process. Only concern is it is relatively restrictive as written to be able to implement a single-story overlay in terms of 75%, if you look at the requirements 75% now you have to have only one in four houses being two-story; furthermore, is that two-story person going to vote *Yes* for single-story overlay given they live in a two-story house? They may, because they may not want other two-story houses in the neighborhood; but they may not because they may feel it targets them; 75% seems like it is going to set the bar high for a community to be able to pull this off. Said he would question whether or not it should be 66%, 2/3 vs. 3/4 with regard to single story homes currently in the neighborhood.
- The downside would be creating some divisive environment for somebody that wants that second story; and his hope would be that they would have discussions with their neighbors who are in favor of the overlay and say they understand this; have planned a second story, and will work with everyone to make sure it is still in the spirit of the neighborhood, but that is an element that would come out of this, but he fully supported the overlay and this question whether or not they should look at that percentage.

Com. Liu:

- Said he supported that it is a community driven process and is important to him that people have a say as to what happens to their neighborhood. Given that they allow having the procedures codified is very important and when looking at this, a lot of this for him was considering the fairness aspect. He said he supported the mail-in ballot procedure as opposed to a petition, the 2/3 threshold to pass seems reasonable. In the implementation of this procedure, it is also done for folks who may want to campaign against that for whatever reason just to be fair on both sides. How the boundaries are drawn is not specifically defined, but he said he trusted staff to do the right thing. It is well thought out and avoids many of the pitfalls of what some of the neighbors may have done in the past, but he said he generally supported it.

Com. Fung:

- Said he felt having a documented process, whether easy or hard, is always of value; he supported the idea of trying to have a clear path. Also supports super majority decision making on this; it is important to make sure there is clear sentiment being expressed by the community. Said he was satisfied with the 75% single story existing content provision if the intent of having the overlay is to reinforce the neighborhood feel; then having a significant number of single-family homes. It is an important part of that; there was some discussion about counting results which is challenging.
- Said he was concerned that they want to have the number of people who participate in the voting be meaningful but having to have 2/3 of the people whereas some people may not vote, having 2/3 yes, that is a high bar, he said he didn't know whether they want to consider looking at something like a certain number of mail-in ballots must be returned for the result to be significant and at that point it is super majority 2/3 or whatever. This is one of the points that Com. Liu brought up, there wasn't any mention of minimum or maximum size and he felt there is some value to that as well. Do you really want to do this for four homes; or do you want to have to do it for 300? That may be an element as well; perhaps imposing a size limit to make sense, that would also help make the voting be significant and meaningful without creating an impossible barrier.
- Said he felt as a proposed overlay becomes larger, it is going to become more difficult to get people to return their ballots. From a processing standpoint about having a time limit; he said he felt having a time limit from a time when the application starts, there are different steps but probably some value there; what you wouldn't want to do is have it be open-ended where somebody starts the process of consideration, and then three years later they haven't called for the mail-in ballot yet and it may have the effect of locking people who were considering trying to make an application for a second-story along the way. As this moves up to City Council, clarifying what resources the city will provide, a number of the things that were requirements of what you need for submission are actually things that will probably be something that is built into as part of the fee for doing this. The fee report is important as well; said he had no sense of the cost; but if doing fee recovery on the cost of a mail-in ballot, it is likely not a small amount.

Vice Chair Paulsen:

- Commended staff on an excellent job responding to Council's direction and putting together a clear package. Said he sympathized with speaker Mr. Kucera as he too was raised in a small home in the Palo Alto Hills which is now a 26,000 sq. ft. home with an indoor ice rink; a different world. It was hard emotionally to see that but the world changes, times change; and then he moved to Cupertino into a neighborhood where the Planning Dept. decided it was time to look at a zoning change, it was zoned agricultural. Overall the intensive level of discussion helped him get to his neighbors and helped bring the neighborhood together. Said he did not see this with a vote, as with a mail-in vote you don't get that kind of face-to-face, hash it out work through issues which can be very expensive. That is a concern about the proposed process.
- Relative to the one-story overlay in general, there were many concerns several years ago about big

boxes, and the city spent a lot of time working through various concerns about side yard appearance, windows, privacy, setback, and aesthetics; and they came up with a good R1 zone requirement. They have a good R1 template for building a two-story house; if such a house is built in a neighborhood, it will not have such a problem as some of the early slab sided big boxes did.

- He expressed concern about some neighbors' questionable behavior at various meetings in the past, as well as fellow board members being subjected to disrespectful behavior when they went door to door, which bordered on criminal behavior where the sheriff got involved. He said it demonstrated bad behavior on the part of the neighborhood, and said that if those are the people who are leading this effort, it presents a red flag in this particular instance. He said in general, with the one-story overlay he was also concerned about relationships in the neighborhood. If someone comes in to a neighborhood first and they want to build a two-story, they are going to feel penalized about the \$7,000 penalty; that probably isn't a big deal considering the cost of houses these days; nonetheless it can attach an emotional stigma to the person building that house and then also because that person is essentially violating the intent of 2/3 of their neighbors, they may feel discriminated against because of their architectural preferences.
- Said times were changing in Cupertino; change is inevitable, but it doesn't have to be a 26,000 sq. ft. house with an indoor ice hockey rink; nonetheless people should be free to build a large beautiful home and doesn't necessarily need to diminish the neighborhood itself. People should be free to build a home that they want to build within constraints of the setback, the privacy and the other concerns that have been met in the R1 zoning.
- Said another concern, which has not been discussed is the long-term effect on the city budget. In a neighborhood of single-story homes, those homes are going to be valued less than homes in an R1 that are not restricted with a one-story overlay. Over time those one-story homes will end up paying less of their share of the city budget; whereas neighborhoods that allow two-story homes will pay more, but the one-story homes will still enjoy the same fire service, street repair, sheriff's services, etc. Said he felt it is inequitable to have a one-story overlay, and he did not support it. He said he would like to see Cupertino become a city that welcomes newcomers, immigrants and a variety of architectural styles within the R1 designation. He said he would vote *No*.

Chair Sun:

- Said for any decision they make, he tries to reach a consensus, however relative to today's issue he was inclined to side with the minority with Com. Paulsen. The realtors want to sell houses, and unless there is a state law requiring them to do so, they don't want to have to disclose the information; going through this procedure is very hard.
- For any second story house if they apply to the Planning Commission and City Council, there is a legal procedure. It will generate a lot of work for city staff. If anyone wants to build a second story, they will have to draw the boundary which may cause problems; the people may not agree with the drawing and this gives the arbitrary power to some certain staff. Said he was not against city staff but legally it is probably going to have some bias or unfairness; potentially you are going to cause some trouble for city staff to make a decision for this one. Said he did not object to have more cases from other cities that successfully do this kind of work but said it is extremely hard to imagine any procedure going this way. For small size it doesn't matter whether you have 70% or not; for the larger scale it is hard. For the community driving this kind of thing it is good but for this particular one he said he personally did not agree with going to the extreme for this kind of thing.
- Cupertino community is involved in many facets; if there are all single-story homes in an area, the neighbors don't want a second-story home built in the same area; it is a risky procedure.

Com. Takahashi:

- Said he commended the thinking of "let the process work." While he generally agreed they want the process to work, he felt it was a case where the R1 ordinance needs help in some cases and felt it was

going towards that direction. Said in this case they have seen and had an example of where the process didn't work because when he thought back to specifically that item and what he kept coming back to as well it is all in the boundaries of R1 and so now it gets to a gray area of scale and harmony and that is really gray and is not well defined. They feel like how could the Planning Commission say that this very large house is of the same scale and harmony; yet they voted *Yes*. Said that while he agreed they want the process to work, this is a case where the R1 ordinance needs help in some cases and it is going forward in that direction.

Com. Liu:

- Said he shared Chair Sun's wish for harmony in the neighborhood, and felt that having a process in place actually helps because even if it passes, even if they get 2/3 it still comes back to the Planning Commission and the City Council makes the final determination. Said even if they didn't have this process it is not like the districts would go away; they would still be there; there just wouldn't be a codified process to do it and he felt the process is a way to capture the feelings of the residents; the fact that there are at least 2/3 who want this. It then comes back to this body and then to City Council for final determination; said he saw it as a vehicle for people to express their wishes; as opposed to that, their decision doesn't end with the voting or with this body but with the City Council.

Vice Chair Paulsen:

- Said he concurred with Chair Sun in that he liked to reach consensus on the Commission; when stating he wanted to vote *No* it doesn't mean he wants to be argumentative or divisive on the Commission. Perhaps there are some things that were said that they could entertain since one of their roles is to distill things for the City Council and one of them is Jennifer Griffin's discussion about story poles and notifying neighbors.
- Said with Photo Shop software available he did not know if story poles were still needed; there is the element of informing neighbors, and he recalled when they approved the big house that met 98% within the envelope, it did meet the requirements but a former commissioner chided the applicant for not talking with the neighbors very much. If you are going to live in a house for a long time, relationships with neighbors are very important; it is detrimental to a neighborhood for someone to come in and build a house that is a separate design without talking with the neighbors. Rather than have the one-story overlay, perhaps they should recommend to the Council that they revisit the R1 with some components of communication with neighbors; not that you want to give every neighbor the power over everyone else because there are occasions when you cannot please everyone. Relationships are very important for a community; they are important for stability in terms of people wanting to continue to live in a neighborhood. Perhaps it could be relayed to the City Council that rather than having an overlay, they revisit some of the aspects of the R1 that resulted in the suggestion for an overlay.

Com. Fung:

- Said he supported the desire to have better communication; at the same time having this process and having it be a super majority process where you clearly have to have that; he said he did not look at this as a remedy for the problem of the one big house, or the three houses that have an issue. If this is a group and super majority of the owners who want to maintain a certain style or flavor for that neighborhood, this is a mechanism through which they can do that and having that be a regular defined process where that can be initiated from the residents rather than coming to the Council and asking them to bestow that. Said he felt it was a good thing; what makes it work is it is not 50% at one vote. Said he had many of the same concerns, how you draw the line, how you draw the boundaries, these things are all going to be very sensitive, but in general the model of having the ability to do this if this is the right thing for the neighborhood, it is going to be a hard thing to achieve for the people who want to go through the process. Said he felt having the 75% content and the 2/3 majority would make it be what that neighborhood wants.

Vice Chair Paulsen:

- A super majority still results in a minority or super minority feeling that the other side won. Prop 13 has been kicked around for a long time and that was a 2/3 passed type of thing which made things difficult. Said he preferred discussion and communication rather than an anonymous vote; because if you are in the minority and suddenly find that 2/3 or 3/4 of your neighbors oppose what you want to do, you really don't have a chance to talk to them other than to pay your \$7,000, hear your neighbors complain about your home and have the discussion aired in the public forum of a Planning Commission meeting, rather than sitting around a table or talking it out with neighbors on the front lawn.

Com. Takahashi:

- Relative to communication and Com. Fung's point he said he felt it would foster more communication, especially if you are that minority wanting to build that two-story house because you are going to have to talk to your neighbors, convince them and get their support; and it has to be done before going for a conditional use permit. Through that process you are going to be hearing what their concerns are and being able to try and work with your addition to be able to accommodate that. He said from his perspective they should consider taking it to a vote.

Vice Chair Paulsen:

- Asked staff if they were present for all meetings with the R1a zoning; is that a good way to foster communication or is an overlay a good way to foster communication?

Aarti Shrivastava:

- Said she was present for part of it, but another planner continued it in the interest of facts; it was more complicated because they were talking about more than one issue. Staff always encourages people to talk to their neighbors whether they are building a fence or a house; they are reminded that neighbors are there to help each other in times of emergencies, when family can't and are encouraged to be as friendly as possible. Many times staff finds themselves in the middle trying to mediate; but in this case it is a single issue in a sense, a single-story or no single-story, but they believe that the process will foster more dialog and probably more interest on the part of the applicant to give community support. Those are staff's thoughts and something that exists today in the rules; they are not proposing to change that.

Vice Chair Paulsen:

- Asked staff about the long term city revenue aspects of a single-story overlay?

Aarti Shrivastava:

- Said she has seen studies go both ways and that is not typically what a city does; the beauty of the process is the neighbors decide; the community decides for themselves. This isn't the city coming in and saying this neighborhood will be single-story. It needs to come grass roots and in the long run a CUP process will allow them to build two story. If the sentiment in the community or the single-story neighborhood over time changes, and 2/3 of the people believe that they no longer want to be single-story, they can change back. Staff wanted to make sure there was a process to undo it as well. Said the City Council directed staff to have a process to allow this; they wanted to make sure it was clear; today it is not clear.

Vice Chair Paulsen:

- Said he trusted staff; they did an excellent job and he was inclined to change his vote based on the discussion because he felt it will promote communication in the neighborhood and hopefully long term good feelings, which is more important than whether your house is two-story or not.

Com. Fung:

- Said it was okay; when you look at some of the areas such as the area in Willow Glen with the palm trees or areas in Palo Alto, the value in that neighborhood actually comes from that consistency. If they choose to do that, it may actually be in the hands of the community. If they choose that they will have greater uniformity that will be our mark. It is a high bar to climb if you wanted to do that. It is good to have that process.

MOTION: Motion by Com. Takahashi, second by Com. Liu and unanimously carried 5-0-0, to recommend to the City Council to approve the Municipal Code Amendment per draft resolution MCA-2017-02; Amendment to recommend to City Council and staff to investigate whether minimum and maximum numbers be applied to the overlay; friendly amendment accepted by Com. Takahashi. Vote: 4-1-0, Chair Sun No.

Aarti Shrivastava:

- Said ultimately the goal is to have the majority of the neighborhood agree with it; to have votes come back where a majority of the neighborhood either is not responding or is not agreeing, staff considers that application no longer valid because you are back to rezoning properties where people don't agree with that when it was initially initiated by them. It is a high bar but after having talked, staff felt that a majority of the neighborhood needs to agree to put these restrictions on themselves and granted they may be property owners or not, but that is what you get when you live in a neighborhood; tenants cannot vote for property owners. That's essentially where we came from because what we struggle with is the city moving forward with applications that don't have neighborhood buy-in. The Commission itself is free to recommend numbers but she explained their reason for staff's recommendation.

Vice Chair Paulsen:

- It is a high bar as Ms. Shrivastava suggested and therefore it would behoove a committee to meet together before they come to the city so they have a more cohesive proposal which fosters good relations in a community.

OLD BUSINESS: None

NEW BUSINESS:**4. Planning Commission Work Program 2017-2018****Benjamin Fu, Asst. Director of Community Development, presented the staff report:**

- The staff report outlines the list of items to be forwarded to City Council. The work program is based on the City Council adopted goals for the 2017-2018 fiscal year. Some projects consist of development applications that will undergo the development review process. The eight items listed for inclusion in the work plan include:
 1. Single-Story Overlay
 2. Amendment of Heart of City Specific Plan
 3. Parking Incentive
 4. Restaurant Outdoor Seating
 5. Non-Medical Marijuana
 6. Conceptual Plans
 7. Vallco
 8. Implementation of the Economic Development Strategic Plan (EDSP)

Vice Chair Paulsen:

- There are some suggestions from last year that the City Council took no action on. Asked staff for explanation of the process which the Council follows: does it review then reject, or accept or just ignore a suggestion from the Planning Commission?

Aarti Shrivastava:

- Each year staff looks at suggestions received and forwards them to Council. The Commission did have some suggestions they were able to answer that they already do or have satisfied the Commission. The outstanding ones are forwarded with the intent to look at opportunities to further that discussion; e.g. the trees in the Heart of the City (HOC) would be the next time it is amended. They would not do a complete redo of the HOC just to answer that question because the Council has given staff an extensive work plan and they want to ensure they are doing it thoughtfully and on time. Those items are still in the work plan to be addressed as and when opportunities come up. Said some of those will be done but there are also big ticket items such as the EDSP, some elements of that will come to the Planning Commission and because of them will involve how they look at retail areas that are not functioning as well because of their configuration or they are not suited to today's retail climate, and could they be opportunities to convert them to incubator space that could encourage new businesses and startups.
- Another one would be looking at the Bubb Road area to transform it into an innovation arts district and to look at how it might be set up. It is quite a conundrum; other cities have been studied, and usually when they do that, it is when they have vacant building space they are trying to fill. In our case we are trying to do the opposite, looking and talking to people and trying to figure out what are the ingredients of such a district, what are the things we want, we like about it as it is, what are the things we want to use to enhance it. Said the Planning Commission would be part of that discussion as well.
- The City Council is also interested in having a community citizens' advisory committee that could provide guidance for the Vallco site because the city is required to create a specific plan for it by the middle of next year by state law because it is a housing element site. Staff hopes to receive Council guidance so they can work on it this year so that they have some time to get to the second part, which is creating the specific plan.
- Said they were waiting for Council's guidance to staff on what they would like to see. The specific plan will come to the Planning Commission prior to going to the Council and will directly be recommended by the Planning Commission. Staff will bring the Commission parts of it and all of it for discussion once they know what that general guidance is.

Com. Liu:

- Said part of their role is to supply the City Council with information to help with policy making. Traffic is something they consider in the land use decisions. He suggested that the Planning Commission host or sponsor a public workshop on the state of vehicular traffic; there are things on the Safe Routes to School, and Bike Master Plan, but much of the transport moving around here happens by car.
- Said his thoughts were for a traffic forum where the city traffic engineers share that with the public; there is a lot of discussion out there; has it gotten worse, etc.? He said he felt having the discussions with data would be helpful and they could discuss their projections and is a historical perspective because he has heard people talking about traffic. It would be good to open it up to the public to hear from residents about what works well for them in their neighborhood; what needs improvement and general ideas, etc.

Aarti Shrivastava:

- Questioned if the goal was to better understand mobility in general; how do traffic engineers look at this because sometimes you feel like it is an alien science and you don't understand what they are looking at as compared to how you live your life? Suggested time to work on it and then talk about

how best to address it; it would involve another department, and the potential of having a consultant come in and help. Today we don't only talk about one mode and it is important for us all to understand how we look at mobility; that's the new word that says how do people go about their daily lives and how can we help them to do it in the best way possible. The State has new laws that tell us here is how you should be looking at it and it can be very informative; she encouraged the Commission to provide more input to help staff figure out how best to do it.

Com. Liu:

- Said he had in mind two elements; one is the public education element in terms of how professional traffic engineers look at this and what are the constraints that the city has that the average resident may not have. Said he also wanted people to have an opportunity to share their anecdotal types of things; traffic is one of those things we all experience and it is probably the biggest annoyance; having a forum to present the Council with that kind of information is the goal.

Vice Chair Paulsen:

- Said he was pleased to hear Com. Liu's comments; one of his suggestions to be presented was that they consider following Palo Alto's example and become the Planning and Transportation Commission because when Com. Takahashi and he were members of the Bike and Ped Commission they dealt with a lot of traffic related issues, and issues such as the timing of a stoplight, width of a bike lane; but there was no regular mechanism for the public to have input into the widening of a road, construction of an interchange, etc. There are hearings about those issues but there are so many, development and traffic go hand in hand; development influences traffic and vice versa. He said he felt if they expanded their role to include traffic, they would give the public more opportunity to have input in a regular understandable forum and also for public education. It would also give them a chance to have some oversight for the traffic engineers. He said they need to perhaps look at putting the brakes on cars so to speak and look at other modalities. It is expensive and long term, but a former mayor is very involved in this and it is the future and he felt it would behoove them to have it be part of their regular mandate.

Com. Fung:

- Parks and Rec is an interesting area to look at; they have often had workshop exercises, but as a commission they can look at issues and this particular one is something that belongs to the Council. They may want to define it and send it down; it is a good venue for that discussion; and as a community want to have that.

Chair Sun:

- Said the Planning Commission agrees that this kind of platform would be where they could hold some forums.

Com. Fung:

- Said it was difficult for the City Council to have a set of round tables and discussions.

Aarti Shrivastava:

- Said they will determine the best way to bring this up because the Council has already had their study session, but will forward this to the city manager. In either case the goal is to have a forum; may have opportunities in future years to continue with new information on how does traffic increase and what contributes to it; how can you resolve it; how do different modes affect vehicular traffic; have heard talk of community shuttles, other ways of getting around.

Com. Takahashi:

- Getting ideas on the table to help mitigate traffic like the schools the one that comes to mind; with

traffic it is all about everyone trying to get to the same place at the same time.

Aarti Shrivastava:

- Said it would be a good way because staff could inform the Planning Commission of all the work being done; the Public Works Dept. has one person dedicated to a Safe Routes to School Program and they are meeting with parents/students team. A lot of good work has begun.

Vice Chair Paulsen:

- Said they need a commission to look at that; Public Works is a big spender of city money but they have no oversight in terms of the Commission. Sometimes they tend to look toward their focus on level of service, and Caltrans is changing; but sometimes traffic engineers tend to look at car traffic; it would be a good opportunity if there was a Planning and Transportation Commission to address these things on an ongoing basis as needed. Having been involved with the Parks Master Plan, they spent a great deal of time talking with Public Works; their staff has a depth of knowledge and information, but it is difficult for them to speak with the community.

Aarti Shrivastava:

- Said it would give them a chance to showcase the work that is being done on that front and staff may get new ideas. It won't be immediate but staff will figure out the best way around it. She asked if there was interest in forming a subcommittee.

Chair Sun:

- Said each year the Planning Commissions conducts a study session to address projects individually for a more comprehensive understanding. Cupertino talks about traffic a lot but didn't focus on one thing. If they can solve the major cross street issue it can solve a lot of traffic issues. Said he did not know if the city will study the particular cross section this year or next year. Last year there was a lot of focus on the back, but not sure of the status for the bike riders. Said they can encourage alternative traffic either by providing a citywide shuttle or free small bus; the city can work on providing an intra-city traffic solution to eliminate a lot of traffic within the city.

Aarti Shrivastava:

- Said there was a bike plan adopted last year; there are some exciting projects; Council has allocated \$2 million in the 2016-17 budget; not sure how much is proposed for the next budget for protected lanes on Stevens Creek and don't know how much is proposed for the next budget to put in protected lanes on Stevens Creek and maybe as part of this transportation forum. She said they could help the Commission understand all the initiatives that are in place and go from there for more ideas.
- The Oaks Project is a housing element site and they have the ability to bring in an application that conforms to the General Plan; people also have the ability, and last year applied for General Plan Amendment authorization. That process should anyone want to apply would first go to City Council and the Council decides if they are allowed to make an application. Once they make an application it will be brought to the Planning Commission for a recommendation prior to it going to Council. That is the typical path. For any other large projects, they will come to the Planning Commission even if they have to go to Council ahead of time. At this point there are no applications for the Oaks, so once they know what kind of application that is, it will either have to go for an authorization or provide the necessary studies and then bring it to the Planning Commission.

Com. Liu:

- Said as a follow up to Chair Sun's question, last year they had a lot of people who weren't previously interested in land use and development, study that issue which was a good thing. He said he was interested in increasing the number and diversity of people who are involved in the process. There are

mechanisms for them to proactively reach out and get the sense of input from residents on what they would like to see, not necessarily tied to a specific project, and perhaps in a forum where they are not limited to three-minute presentations.

Aarti Shrivastava:

- Said once they hear from applicants who are anxious and willing to set up meetings hosted by the Planning Commission they will be able to talk about the site, the proposal and what the housing element says. If the Planning Commission is interested in having more round table discussions, staff will work with them to hold them, instead of the regular meetings set up.

Vice Chair Paulsen:

- Said he would like to recommend that the Parkside Trails development be preserved as open space. There is a demand for open space nearby Cupertino; Parkside Trails has a place that has potential for restoration and use to meet some of that demand for open space; it is a geological and technical nightmare to build on that property. A density transfer where the developer, the owner of the Parkside Trails parcel would be able to partner with the Oaks or another development for a denser development there and share the profit so that he would get fair profit from having purchased the Parkside Trails; the city would get open space; there would be less cars in the foothills where the trucks are and would also get perhaps more creative, innovative projects at the Oaks.

Aarti Shrivastava:

- As a theoretical setup the Planning Commission can, but for items that are ultimately going to come to the Commission as adjudicatory items it may not be, and it will be left to the lawyers. There are some nearby cities looking at it because they are trying to get a school site and trying to figure out how they take those development rights and transfer them so that the property can be available. There are examples of those that are done. The way it is transferred causes issues too; it is called transfer of development rights (TDR) and we could always look for opportunities or float that up as a potential idea or process, should there be some significant community benefits associated with the change.

Chair Sun:

- Said there is a need for them to restrict themselves to express their opinions on particular projects before the project comes to their committee; their job is outreach to the community, and to help City Council collect more input as they may have expressed their opinion already.

Com. Liu:

- Questioned whether a subcommittee should be formed to work with staff on a traffic forum; how does staff recommend moving forward?

Aarti Shrivastava:

- Said she would be happy to listen to the Planning Commission if there were two members interested; they can work with staff and make it work.
- Said they could forward it to the Council and say that there was interest in having a forum on mobility, including traffic. The idea was to understand how these studies are done; what is the meaning behind them; what's the goal; trying to understand how traffic works.

Com. Fung:

- Said that is very close to the kind of scope they are trying to do should there be an advisory committee.

Aarti Shrivastava:

- If there is an advisory committee for Vallco, they will be talking about these things. If the City Council

feels it is a worthy goal, staff would work towards it because it would help to inform the community about how this works so that we are not speaking in different languages and then also inform us because we hear from individual community members. Said at least for the coming year it would be one forum that they will put together with more data as it is requested. Said she would talk to the Public Works Dept. and make sure that they have the scope and the ability and try to put some sort of budget together should they need consultants; staff time would not be part of the cost.

Vice Chair Paulsen:

- Suggested asking City Council if they would be interested in having occasional public forums on traffic; change the structure of the Planning Commission to have a subcommittee on traffic or change the mission of the overall Commission to become a Planning and Transportation Commission.

Aarti Shrivastava:

- Said she could forward comments to the Planning Commission for their consideration.

Com. Fung:

- Said he felt it would be interesting to reach out to the Director of Public Works to see whether the Commission is a good venue for issues other than traffic he would like to discuss in Public Works. He said when he took the Public Works tour, he saw many things they were working on that have an opportunity for public input. ~~Also noted that the Council had not taken a stand on the 20% outdoor seating issue from the previous year.~~

Vice Chair Paulsen:

- *Also noted that the Council had not taken a stand on the 20% outdoor seating issue from the previous year.*

Aarti Shrivastava:

- Said she could reach out to the Director regarding Public Works issues. The 20% outdoor seating issue is in the work program; as they look at the commercial ordinance, they will look at it as well. She said they were now restricting restaurants. Said they had outreach as part of the EDSP and they did have discussions; the bulk of those discussions form the basis of the plan; potentially what could be done is if the Commission is interested, they will see if the Economic Development Manager can help them understand how it came about; what are the initiatives in it, since a good part of it will be seen as part of a project. There is also the Economic Development Committee that oversees that role.

Com. Fung:

- Because this is in effect a type of new draft, having that come as an agenda item here, a staff presentation on it would be ideal, but that actually may be the place where following that with a forum might be an interesting thing; when people have an opportunity to discuss the draft in its more final form.

Aarti Shrivastava:

- Said they can look at that because they want to make sure that a forum does need a lot of resources and staff will work with the Commission; they may be having forums on the three elements and it might be good to wait until they present what they have and are starting that process, then definitely the EDSP will be the background that will be presented.

Com. Fung:

- Said having a follow up to that report is a valid and important input for the City Council when they consider it.

Aarti Shrivastava:

- Said they would invite the Planning Commission to that forum and figure out the best way to set it up because she does not know how the Council wants to set it up. The elements of the EDSP they are going to follow up on are the incubator; the mobile services being another aspect and the mobile services such as food trucks and dentists on wheels. Said they want to be responsive to their brick and mortar businesses but are trying to figure out the best approach to allow such businesses; third is the innovation arts.

Chair Sun opened the public hearing.

Jennifer Griffin, Rancho Rinconada resident:

- Said she has been attending City Council meetings and Planning Commission meetings since Rancho Rinconada annexed in 2000. The Planning Commission is a very important Commission secondary to the City Council. The Planning Commission serves at the desire of the City Council. In terms of what the Planning Commission does as its month-to-month activities it is very important; if there are any changes to what the Commission does, it has to be defined by the City Council. She said there were some changes in the last 5 to 6 years in the matrix studies that happened which actually changed a lot of the balance of how decisions and power were handled in the city, and she felt they need to be cautious that they look at the role of the Planning Commission and if there are any suggested changes to it, that has to come from the City Council. Said she felt in this situation the Planning Commission has every right to recommend, come up with items to discuss. Having the forum on transportation is helpful but renaming the Planning Commission is a major thing and has to be done by the City Council, with public input. If that is considered, she suggested having a permanent standing separate Transportation Committee. Relative to the proposed mobile services, she said it was important to know where the vans/trucks will be located and where they will be conducting business; not on private roads or parked on the side of Stevens Creek Blvd.

Chair Sun closed the public hearing.

Following discussion, it was noted that a motion was not required; staff would forward the summary of items discussed to the City Council.

Summary of Items to be included in the 2017-2018 Work Plan, to be forwarded to City Council:

- Adopt the work plan items as presented with suggested amendments, including traffic workshop. density transfer which is complicated
- Interaction with Public Works
- The City Council doesn't need to authorize a presentation on EDSP.

REPORT OF THE PLANNING COMMISSION

Environmental Review Committee: No report

Economic Development Committee Meeting: No report

Housing Commission: No report

Mayor's Monthly Meeting With Commissioners: March 1st - Mayor reported on State of the City.

Bike and Ped Com.: reported 2 new commissioners, Earth Day April 30, encouraged people to join CEEF (Cupertino Education Endowment Foundation) – program to encourage people riding bikes and donate to schools ... Cupertino Education Endowment Foundation; Focus on education outreach to kids, safety on bikes

Sustainability Com.: Angela Chen reported on a Clean Energy Committee; participated in Earth Day; Presented zero waste policy for city

Public Safety Com.: Working on gun control issue.

Public Education: Women's self defense classes being held.

Outreach for Public Safety Commission: has 2 grass roots community neighborhood watch and block leaders.

Library Com.: The library does not allow strollers inside the premises which restricts usage of the library.

Parks and Rec: Suggestion to ask city for budget.

Teen Com.: Reported attendance at Environmental Summit in San Francisco; Need for more marketing

Fine Arts: Trying to promote young artist in 2017 and 2018; encourage special needs children artists to allocate some city resources to help

Com. Paulsen: Reported a resident contacted him about possible expansion of the Forum near her house; said he could not make promises; explained how planning process works which she was not familiar with.

REPORT OF THE DIRECTOR OF COMMUNITY DEVELOPMENT: No oral report.

ADJOURNMENT:

- The meeting was adjourned to the next Planning Commission meeting on April 11, 2017, at 6:45 p.m.

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

Approved as Amended: April 25, 2017