

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, CA 95014

CITY OF CUPERTINO
PLANNING COMMISSION MEETING
APPROVED MINUTES

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| 6:45 P.M. | AUGUST 8, 2017 | TUESDAY |
| CITY COUNCIL CHAMBERS | | |

The regular Planning Commission meeting of August 8, 2017, was called to order at 6:45 p.m. in the Cupertino Council Chambers, 10350 Torre Avenue, Cupertino, CA. by Vice Chairperson Paulsen.

SALUTE TO THE FLAG

ROLL CALL

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| Commissioners Present: | Vice Chairperson: | Geoff Paulsen |
| | Commissioner: | David Fung |
| | Commissioner: | Jerry Liu |

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| Commissioners Absent: | Commissioner: | Don Sun |
| | Commissioner: | Alan Takahashi |

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| Staff Present: | Asst. Director of Community Development: | Benjamin Fu |
| | Senior Planner: | Catarina Kidd |
| | | Assistant City Attorney |

APPROVAL OF MINUTES

1. *Minutes of the June 13, 2017 Planning Commission meeting.*

The following changes are to be made to the draft minutes:

- **Page 2, Line 7:** Change “1900 development” to read : “*Nineteen800 development*”
- **Page 11, bottom of page, line 1 of Motion;** delete “(??)”

MOTION: Motion by Com. Liu, second by Com. Fung and carried 3-2-0
(Coms. Sun, and Takahashi absent) to approve the minutes of the
June 13, 2017 meeting as amended.

POSTPONEMENTS/REMOVAL FROM CALENDAR: None

ORAL COMMUNICATIONS: None

WRITTEN COMMUNICATIONS: None

CONSENT CALENDAR: None

Benjamin Fu:

- Introduced the new Assistant City Attorney.

PUBLIC HEARINGS:

- 2. GPA-2017-01, Z-2017-01,
City of Cupertino
Citywide Location**
- General Plan Amendment for corrections to the Land Use Map and Zoning Map Amendment for corrections to the Zoning Map to correct the inconsistencies between the City of Cupertino's Records and certain map designations.

Catarina Kidd, Senior Planner, presented the staff report:

- Reviewed the application for a General Plan Amendment and a Zoning Map Amendment as outlined in the staff report. The item is being presented as part of the General Plan and Zoning Map Amendments that are done periodically based on feedback from the public or property owners or interested members of the public, including errors or inconsistencies in maps, city actions that have occurred within the year, property sales, which necessitate changes to reflect changes. Staff plans to return to the Planning Commission on a regular basis such as annually to perform the cleanups.
- She reviewed 11 parcels for the Commission's consideration; they do not include any for rezoning, but only tie up loose ends or city actions for cleanups and corrections to the map. She referred to the list of parcels proposed to be corrected and discussed action to be taken on the parcels. Parcels 1-8 are public facilities or public parks and open space; request is to align General Plan land use with internally correct zoning with either BA (public buildings) or PR (parks and recreation). Parcel 9 was originally offered and accepted as a public roadway easement to the city for development of the Oak Valley neighborhood; when that neighborhood was developed, the road was placed in a different area; it is a swapping of the location of the parcel. In 1999 the city had vacated that easement and for an unknown reason the data from the County Assessor's parcel still showed City of Cupertino as being an ownership of that parcel when the maps were done. There is a disconnect between the city action; inadvertently that parcel is marked as PR when it had been vacated 15 years prior. The request is for that parcel to be changed to Quasi-public/Institutional to match the (P(Institutional)) on zoning. Parcel 10 is a portion of a property offered to dedication to and accepted by the City of Cupertino for open space. Parcel 11 is a privately owned single-family parcel and the original General Plan map, the corner on the map shows that it is still an existing public facility parcel and the transaction to sell that parcel had already occurred; the grant deed was recorded in 2016 to show that parcel merged into the single-family lot; the maps should reflect the transaction. She said that the total effect of all the revisions does not add any development capacity to any of the parcels, and as such staff applied the CEQA general rule exemption.
- Staff recommends that the Planning Commission adopt a resolution recommending that the City Council find that the proposed actions are exempt from CEQA; Adopt a resolution to amend the General Plan Land Use Map to correct inconsistencies between the city's records and the map designations; and adopt an ordinance to amend the zoning map to correct inconsistencies between the city's records and the map designations.

Vice Chair Paulsen opened the public hearing.

Peggy Griffin, Cupertino resident:

- Said she sent an e-mail summarizing the errors and missing items relative to the application, stating the zoning map and land use map were not included in the agenda packet, and the online data was not labeled and only showed close-ups. The public did not receive that and as a result did not have a chance to see the maps. She noted things missing from the maps; each parcel appears two times on different pages and it is not clear which one is the existing one and which one is the amended version. If the packets are not complete they shouldn't be voted on it because the public didn't get to see them. Said she was not questioning what they were doing, and she applauded them for the cleanup, but for clarity, accuracy and transparency if those complete maps aren't up there as a packet, she felt they should not vote on it because the public has not seen it.

Catarina Kidd:

- Clarified the packet that was posted last Thursday is what they were looking at.
- Said there were spreadsheets with the map key on it; the attachments were four maps and yet they are the zoomed-in version and as explained earlier the zoomed-out version is difficult to understand and it could be added to the packet for City Council but it is not that informative. The map is also available on the Planning Department website as well as our information, but the map is publicly available in paper form as well.

Com. Liu:

- As a follow-up to Com. Fung's question, he said there was a large paper map next to the podium, and asked if it was the citywide zoning map referred to that they would be able to include in the packet to City Council.

Catarina Kidd:

- Said they would not include that size, which is the size hanging up at the Planning Department counter. There is the digital version shown on the Power Point presentation; that is available online where one can zoom in and out to it. GIS said they tried to outline parcels but it did not read very well, but it doesn't mean they can't do it.
- Said it was a zoomed-in version of the big map where all the parcels were; they are difficult to see when looking at the whole city, it's a birds-eye view of the entire city; and difficult to see one parcel.

Com. Liu:

- The fact that there were two copies of the map, is that an inadvertent instruction or is one supposed to be a before and after?

Catarina Kidd:

- Said there is no "after"... "after" will happen once the authorization is received and staff will have time for the GIS department to make those change; the reason there are two is because there are 11 parcels and they are not all in the same part of the city; two are General Plan maps and it needs to go across two pages because of the location of the parcels and there is a second one showing the zoning; again the same location, so you get a general idea of where they are.

Vice Chair Paulsen:

- Said the materials he used to prepare for the meeting were from the Cupertino Legistar which is a public site; he said he viewed the maps and at the top is a chart showing the current and corrected zoning for each of the 11 parcels and they are identified; he felt he had a good understanding of what was there. He said it was a serious issue raised by a member of the public if it was unclear.

Benjamin Fu:

- Said staff feels it is adequate; they have not received any other inquiries on this item. However, they could add those digital maps in preparation for the City Council hearing.

Vice Chairperson Paulsen:

- He suggested for the zoning, BA and R110 there could be a descriptive definition of those zonings.

Com. Liu:

- Suggested an improvement to the packet would be to include a legend on the big map, to be included for City Council.

Com. Fung:

- Said he felt additional captioning on the inset maps would be useful; also suggested to have the changes that are updated have a longer period of time; it would be useful to know when the changes were effectively enacted in

the past. At a point where the Council changed the actual effective use, we just didn't do the update. I think carrying out a caption that makes it clear what this map is and maybe duplicating the color code. Another possibility is to do the big map and highlight the spots relative to the big map where the changes are.

Com. Liu:

- Said he agreed that making it an annual process for document cleanup was a good idea to keep things consistent.
- Two questions about the staff report; at the end of the discussions you talked about the total effect of making these revisions do not add to the development capacity; do they reduce the development capacity; are we saying there is no change or are we saying there is no addition?

Catarina Kidd:

- Said they are stating there is no change because they are basically aligning the use with land use that already exists or vice versa; it had already been rezoned. The final step of coloring it correctly and changing the labels had not happened; there is no net gain or loss on the capacity.

Com. Liu:

- Regarding Parcel No. 9, the staff report said that in 1999 the easement was vacated and the land use designation changed to Quasi-Public/Institutional; what was it before because it talks about it was changed that way to match the zoning for the Forum; was there a change that actually happened when the easement was vacated; was it something else and it went to Quasi-Public/Institutional?

Catarina Kidd:

- Said the neighborhood to the south of the Forum developed after the Forum did, so the intent of that easement was that there would be a future roadway and once the development happened and the roadway wasn't in that exact location, it just became moot; it just wasn't needed. The roadway is already serving those two developments; the Forum and Oak Valley was determined in 1999 to be sufficient and there was not going to be a capacity change expected in that neighborhood, and it didn't make sense as far as the location; now it became a dead end parcel, so you could never put a roadway there to serve that residential neighborhood to the south.

MOTION: Motion by Com. Fung, second by Com. Liu, and carried 3-2-0 to adopt Application No. GPA-2017-01, and Z-2017-01 as presented.

OLD BUSINESS: None

NEW BUSINESS: None

REPORT OF THE PLANNING COMMISSION

Com. Fung: Reported on his attendance at the first two public forums on development and growth. Said there was a lot of different viewpoints and interesting information, and he appreciated the enormous amount of work in putting it together. The next speaker series is on housing on Thursday, August 24th.

REPORT OF THE DIRECTOR OF COMMUNITY DEVELOPMENT: None

COMMITTEE REPORTS: No Committee reports given.

ADJOURNMENT:

- The meeting was adjourned to the next Planning Commission meeting on August 22, 2017 at 6:45 p.m.

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

Approved as presented: September 12, 2017