



# AGENDA OF THE CUPERTINO PLANNING COMMISSION

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**Tuesday, May 28, 2024**

Televised Regular Meeting (6:45)

## **PLANNING COMMISSION**

DAVID FUNG, CHAIR

SEEMA LINDSKOG, VICE CHAIR

MUNI MADHDHIPATLA, COMMISSIONER

TEJESH MISTRY, COMMISSIONER

STEVEN SCHARF, COMMISSIONER

**IN PERSON AND TELECONFERENCE MEETING**

For more information:

(408) 777-3308 | [www.cupertino.gov](http://www.cupertino.gov)



# CITY OF CUPERTINO

## AGENDA

### PLANNING COMMISSION

10350 Torre Avenue, Council Chamber

Tuesday, May 28, 2024

6:45 PM

#### IN-PERSON AND TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION

Members of the public wishing to observe the meeting may do so in one of the following ways:

- 1) Attend in person at Cupertino Community Hall, 10350 Torre Avenue.
- 2) Tune to Comcast Channel 26 and AT&T U-Verse Channel 99 on your TV.
- 3) The meeting will also be streamed live at [www.Cupertino.org/youtube](http://www.Cupertino.org/youtube) and [www.Cupertino.org/webcast](http://www.Cupertino.org/webcast)

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

- 1) Appear in person at Cupertino Community Hall. Members of the audience who address the Commission must come to the lectern/microphone, and are requested to complete a Speaker Card and identify themselves. Completion of Speaker Cards and identifying yourself is voluntary and not required to attend the meeting or provide comments.
- 2) E-mail comments by 5:00 p.m. on Tuesday, May 28 to the Commission at [planningcommission@cupertino.org](mailto:planningcommission@cupertino.org). These e-mail comments will be received by the commission members before the meeting and posted to the City's website after the meeting.

Members of the public may provide oral public comments in person during the meeting as follows:

Comments may be made during "Oral Communications" for matters not on the agenda, and during the public comment period for each agenda item. If you wish to provide oral communications, please complete a speaker request card located in front of the Commission and deliver it to staff prior to discussion of the item. When you are called, proceed to the podium and the Chair will recognize you. Members of the public that wish to share a document when providing oral comments may do so at the overhead projector at the podium or email the document to [planningcommission@cupertino.gov](mailto:planningcommission@cupertino.gov) by 5:00p.m. Documents received by email will be posted to the City website after the meeting. Please

limit your comments to three (3) minutes or less.

### Teleconferencing Instructions

To address the Commission, click on the link below to register in advance and access the meeting:

Online:

Register in advance for this webinar:

[https://cityofcupertino.zoom.us/webinar/register/WN\\_tzDvo4OdSpKAf2nUbCVA9A](https://cityofcupertino.zoom.us/webinar/register/WN_tzDvo4OdSpKAf2nUbCVA9A)

Phone Dial: 669-900-6833 and enter WEBINAR ID: 913 6899 0303 (Type \*9 to raise hand to speak, \*6 to unmute yourself). Unregistered participants will be called on by the last four digits of their phone number.

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

213.19.144.110 (Amsterdam Netherlands)

213.244.140.110 (Germany)

103.122.166.55 (Australia Sydney)

103.122.167.55 (Australia Melbourne)

69.174.57.160 (Canada Toronto)

65.39.152.160 (Canada Vancouver)

Meeting ID: 913 6899 0303

SIP: 91368990303@zoomcrc.com

After registering, you will receive a confirmation email containing information about joining the webinar.

Please read the following instructions carefully:

1. You can directly download the teleconference software or connect to the meeting in your internet browser. If you are using your browser, make sure you are using a current and up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers, including Internet Explorer.

2. You will be asked to enter an email address and a name, followed by an email with instructions on how to connect to the meeting. Your email address will not be disclosed to

the public. If you wish to make an oral public comment but do not wish to provide your name, you may enter "Cupertino Resident" or similar designation.

3. When the Chair calls for the item on which you wish to speak, click on "raise hand," or, if you are calling in, press \*9. Speakers will be notified shortly before their turn to speak.

4. When speaking, please limit your remarks to three (3) minutes or less and the specific agenda topic.

5. Members of the public that wish to share a document when providing oral comments by teleconference must email the document to [planningcommission@cupertino.gov](mailto:planningcommission@cupertino.gov) by 5:00 p.m. These documents will be posted to the City website after the meeting.

## PLEDGE OF ALLEGIANCE

## ROLL CALL

## APPROVAL OF MINUTES

1. Subject: Approve the April 29 Planning Commission minutes.  
Recommended Action: Approve the April 29 Planning Commission minutes.  
[1 - Draft Minutes](#)

## POSTPONEMENTS

## ORAL COMMUNICATIONS

*This portion of the meeting is reserved for persons wishing to address the Commission on any matter within the jurisdiction of the Commission and not on the agenda. Speakers are limited to three (3) minutes. In most cases, State law will prohibit the Commission from making any decisions with respect to a matter not on the agenda.*

## CONSENT CALENDAR

*Unless there are separate discussions and/or actions requested by council, staff or a member of the public, it is requested that items under the Consent Calendar be acted on simultaneously.*

## PUBLIC HEARINGS

*Effective January 1, 2023, Government Code Section 65103.5 (SB 1214) limits the distribution of copyrighted material associated with the review of development projects. Members of the public wishing to view plans that cannot otherwise be distributed under SB 1214 may make an appointment with the Planning Division to view them at City Hall by sending an email to [planning@cupertino.org](mailto:planning@cupertino.org). Plans will also be made available digitally during the hearing to consider the proposal.*

2. Subject: Lawrence-Mitty Park and Trail project Final Conceptual Design General Plan Consistency and Initial Study/Mitigated Negative Declaration.  
Recommended Action: That the Planning Commission:
1. Adopt a Resolution (Attachment 1) finding that the Lawrence-Mitty Park and Trail project Final Conceptual Design is consistent with the City's General Plan and
  2. Adopt a Resolution (Attachment 2) recommending that the City Council adopt the Initial Study/Mitigated Negative Declaration for the Lawrence-Mitty Park and Trail project.
- [Staff Report](#)  
[1 - Draft Resolution General Plan Consistency](#)  
[2 - Draft Resolution - IS/MND](#)  
[3 - Conceptual Plan report](#)  
[4 - Excerpts from the Cupertino General Plan](#)  
[5 - Draft IS/MND and Appendices](#)  
[6 - Final Memo and Response to Comments](#)
3. Subject: Consider Municipal Code Amendments to Chapter 19.48 (Fences), Chapter 19.08 (Definitions). (Application No.: MCA-2024-001; Applicant: City of Cupertino; Location: Citywide)  
Recommended Action: That the Planning Commission adopt the draft resolution (Attachment 1) recommending that the City Council adopt an ordinance to amend Chapter 19.48, Fences, Chapter 19.12 (Administration) and Chapter 19.08 (Definitions).  
[Staff Report](#)  
[1 - Draft Resolution](#)  
[2 - Redlined and Annotated Ordinance](#)
4. Subject: Sign Exception Permit to consider a ground sign with LED lighting and three wall signs exceeding 200 square feet in an area where only one is allowed at an existing service station. (Application No(s): EXC-2023-010; Applicant(s): Steve Locke; Location: 10490 S De Anza Boulevard; APN: 369 39 042)  
Recommended Action: That the Planning Commission adopt the draft resolution (Attachment A):
1. Approving the Sign Exception application (EXC-2023-010); and
  2. Finding the project exempt from CEQA.
- [Staff Report](#)  
[1 - Draft Resolution](#)  
[2 - Plan Set \(abridged due to limitations of state law pursuant to SB1214\)](#)

## OLD BUSINESS

## NEW BUSINESS

## STAFF AND COMMISSION REPORTS

*This portion of the meeting is reserved for staff to provide any updates on matters pertinent to the Commission and for Commissioners to report on any Commission related activities they have taken part in since the prior regularly scheduled meeting.*

### **FUTURE AGENDA SETTING**

*This portion of the meeting is reserved for the Chair or any two Commissioners to propose a future agenda item within the jurisdiction of the Commission. A proposal to add a future agenda item shall be brief and without discussion by the Commission.*

### **ADJOURNMENT**

*If you challenge the action of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City of Cupertino at, or prior to, the public hearing. In the event an action taken by the Planning Commission is deemed objectionable, the matter may be officially appealed to the City Council in writing within fourteen (14) days of the date of the Commission's decision. Said appeal is filed with the City Clerk (Ordinance 632).*

*In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 48 hours in advance of the meeting to arrange for assistance. In addition, upon request in advance by a person with a disability, meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.*

*Any writings or documents provided to a majority of the Planning Commission after publication of the packet will be made available for public inspection in the Community Development Department located at City Hall, 10300 Torre Avenue, Cupertino, California 95014 during normal business hours and in Planning packet archives linked from the agenda/minutes page on the City web site.*

**IMPORTANT NOTICE:** *Please be advised that pursuant to Cupertino Municipal Code section 2.08.100, written communications sent to the City Council, Commissioners or staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City website and kept in packet archives. Do not include any personal or private information in written communications to the City that you do not wish to make public, as written communications are considered public records and will be made publicly available on the City website.*

*For questions on any items in the agenda, or for documents related to any of the items on the agenda, contact the Planning Department at (408) 777 3308 or [planning@cupertino.org](mailto:planning@cupertino.org).*



**CONDUCT OF BUSINESS**

The Chair is the presiding officer of the Planning Commission. Any member of the public may speak on any item on the agenda for up to three minutes. All statements and questions must be addressed to the Chair.

Planning Commission hearings serve as a venue for the discussion of sometimes divergent points of view. Please respect the opinions of others and refrain from cheering or clapping. That may delay the meeting or intimidate other persons wishing to express alternate views. Actions that disrupt the meeting will result in a warning, followed by removal if disruption continues.

The proceedings of the meeting are recorded, therefore members of the audience who address the Commission at an in-person meeting must come to the lectern/microphone, and are requested to complete a Speaker Card and identify themselves. Completion of Speaker Cards and identifying yourself is voluntary and not required to attend the meeting or provide comments.

**PUBLIC HEARINGS**

The Planning Commission is required by law to hold public hearings on certain matters prior to making its decision. Notice to interested parties is given by legal advertisement in the local newspaper of general circulation at least 10 calendar days preceding the hearing date. Applications requiring public hearings include change of zoning, variances, use permits, and tentative maps.

Effective January 1, 2023, Government Code Section 65103.5 (SB 1214) limits the distribution of copyrighted material associated with the review of development projects. Members of the public wishing to view plans that cannot otherwise be distributed under SB 1214 may make an appointment with the Planning Division to view them at City Hall by sending an email to [planning@cupertino.org](mailto:planning@cupertino.org). Plans will also be made available digitally during the hearing to consider the proposal.

**COMMISSION MEETINGS**

The Planning Commission regularly meets the second and fourth Tuesdays of each month. Urgent business, holidays, or election days may trigger special or adjourned meetings. These meetings will be noticed beforehand.

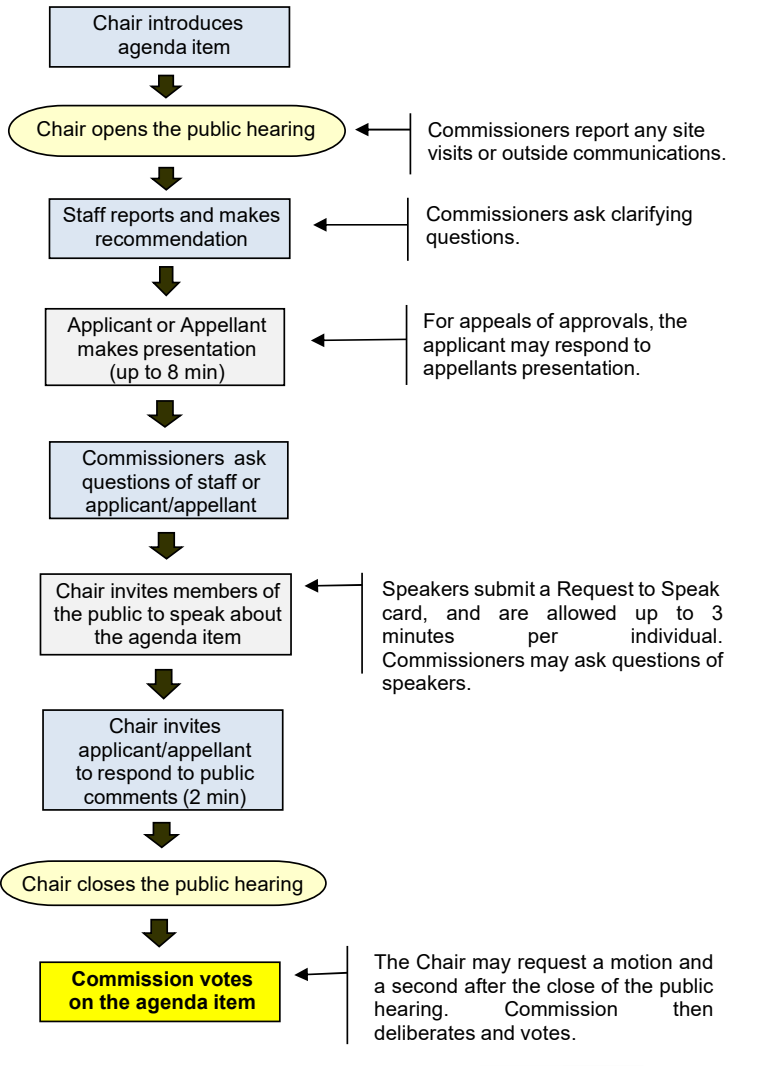
**AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB**

Agendas, minutes, and packets for current and prior Planning Commission meetings are available at [www.cupertino.org](http://www.cupertino.org), or you can purchase the items on CD.

**PLANNING COMMISSION DECISION**

In the event an action taken by the Planning Commission is deemed objectionable, the matter may be officially appealed to the City Council in writing within fourteen (14) days of the date of the Commission’s decision. Said appeal is filed with the City Clerk (CMC Section 19.12.170). Contact the City Clerk’s office for more information or go to [www.cupertino.org/cityclerk](http://www.cupertino.org/cityclerk) for an appeal form.

**FLOWCHART FOR HEARING ITEMS:**





## COMMUNICATING WITH COMMISSION

All Commissioners:	PlanningCommission@cupertino.gov	
David Fung	DFung@cupertino.gov	
Seema Lindskog	SLindskog@cupertino.gov	
Muni Madhhipatla	MMadhhipatla@cupertino.gov	
Tejesh Mistry	TMistry@cupertino.gov	
Steven Scharf	SScharf@cupertino.gov	(408) 777-3308
Planning Division	Planning@cupertino.gov	(408) 777-CITY
City Hall	www.cupertino.gov	

## NEWS AND NOTICES FROM CITY HALL

### EMAIL

Sign up for e-notification of agendas, elections, and other news on the city website at [www.cupertino.org/notify](http://www.cupertino.org/notify)

### TELEVISION

The City Channel broadcasts City Council and Planning Commission meetings, as well as agenda previews, public service announcements, and other programs of community interest, on Channel 26 in Cupertino. The meetings are shown at these times:

Tuesday (live)	6:45 p.m.	Friday (replay)	10:00 a.m.
Thursday (replay)	7:00 p.m.	Saturday (replay)	9:00 a.m.

### INTERNET

City Council and Planning Commission videos are available on demand at [www.cupertino.org](http://www.cupertino.org). Select "I Want To, View City Council meetings".

News and community information can also be found at:

<https://www.facebook.com/cityofcupertino/>

<https://twitter.com/CityofCupertino>

<https://www.instagram.com/cityofcupertino>

### AUDIO

Tune into Radio Cupertino, 1670 AM, for meeting announcements, public service messages, and emergency announcements.

## USEFUL TELEPHONE NUMBERS

City of Cupertino (City Hall)	General Information and Comments	(408) 777-CITY
Fire (Emergency)	Santa Clara County Fire Dept. dispatch	911
Fire (Non-Emergency)	Santa Clara County Fire Dept.	(408) 378-4010
Garbage	Recology South Bay	(408) 725-4020
Gas & Electricity	Pacific Gas & Electric (PG&E)	1-800-743-5000
Recreation & Community Services	Quinlan Community Center	(408) 777-3120
Police (Emergency)	Santa Clara County Sheriff dispatch	911
Police (Non-Emergency)	Santa Clara County Sheriff	(408) 868-6600
Public Health	Santa Clara County Public Health	(408) 732-3720
Sanitary Sewers	Cupertino Sanitary District	(408) 253-7071
Water	San Jose Water	(408) 279-7900
	California Water	(650) 917-0152