



**APPROVED MINUTES**  
**CUPERTINO PLANNING COMMISSION**  
Tuesday, May 28, 2024

At 6:45 p.m. Chair David Fung called the Regular Planning Commission meeting to order and led the Pledge of Allegiance in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

**ROLL CALL**

Present: Chair David Fung, Vice Chair Seema Lindskog, and Commissioners Commissioner Muni Madhhipatla, Tejesh Mistry and Steven Scharf. Absent: None

**APPROVAL OF MINUTES**

1. Subject: Approve the April 29 Planning Commission minutes.  
Recommended Action: Approve the April 29 Planning Commission minutes.

MOTION: Scharf moved and Madhhipatla seconded to approve the April 29 Planning Commission minutes. The motion carried with the following vote: Ayes: Fung, Lindskog, Madhhipatla, Mistry and Scharf. Noes: None. Abstain: None. Absent: None.

**POSTPONEMENTS** - None

**ORAL COMMUNICATIONS**

Sury spoke about a courtesy notice from the Code Enforcement Division about an unpermitted fence on his property.

**CONSENT CALENDAR** - None

**PUBLIC HEARINGS**

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.

Planning Manager Piu Ghosh introduced the item and Capitol Improvement Programs Manager for Public Works, Susan Michael gave an overview and presentation. Program Manager Michael introduced consultants Jan Eiesland and Mike Campbell of MIG who assisted with the presentation.

Commissioners had no clarifying questions or comments.

Chair Fung opened the public hearing and the following people spoke:

- Lisa Warren
- Peggy Griffin
- San R

Chair Fung closed the public hearing.

Commissioners asked questions and made comments.

Staff answered questions.

MOTION: Lindskog moved and Scharf seconded that the Planning Commission:

1. Find that the Lawrence-Mitty Park and Trail project Final Conceptual Design is consistent with the City of Cupertino General Plan and
2. Recommend that the City Council adopt the Initial Study/Mitigated Negative Declaration, Mitigation Measures and Mitigation Monitoring and Reporting Program for the Lawrence-Mitty Park and Trail project.

The motion carried with the following vote: Ayes: Fung, Lindskog, Madhhipatla, Mistry and Scharf. Noes: None. Abstain: None. Absent: None.

Planning Manager Ghosh stated that a representative from the Commission would need to attend the July 2, 2024 City Council meeting when the project will be presented. Chair Fung stated he would attend.

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).

Planning Manager Piu Ghosh introduced the item and Associate Planner Emi Sugiyama gave a presentation.

Commissioners asked clarifying questions and made comments.

Staff answered questions.

Chair Fung opened the public hearing and the following people spoke:

- Peggy Griffin
- Lisa Warren
- San R

Chair Fung closed the public hearing.

Commissioners asked questions and made comments.

Staff answered questions.

MOTION: Lindskog moved and Fung seconded to recommend 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).

The motion carried with the following vote: Ayes: Fung, Lindskog, Madhhipatla, Mistry and Scharf. Noes: None. Abstain: None. Absent: None.

4. Subject: Sign Exception Permit to consider a ground sign with LED lighting and three wall signs exceeding 200 square feet in area where 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.

Commissioner Madhhipatla made a disclosure that his residence is 620 ft from the site. He stated that the City's Attorney Office left it to his discretion whether to participate in the discussion. Since there would be no direct impact to his property's value, he stated he would participate.

Commissioners discussed site visits and ex-parte communications.

Planning Manager Piu Ghosh introduced the item and Associate Planner Emi Sugiyama gave a presentation.

Applicant Steve Locke of Sign Designs, Inc. gave an overview of the project.

Commissioners asked no questions and made no comments.

Chair Fung opened the public hearing and the following people spoke:

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- Peggy Griffin
- San R
- Lisa Warren

Chair Fung closed the public hearing.

Commissioners asked questions and made comments.

Staff and the applicant answered questions.

MOTION: Mistry moved and Lindskog seconded to:

Approve an LED illuminated price monument sign (Exhibit A) as presented with no modifications.

The motion carried with the following vote: Ayes: Fung, Lindskog, Madhdhipatla, Mistry and Scharf. Noes: None. Abstain: None. Absent: None.

MOTION: Mistry moved and Fung seconded to:

Approve a sign exception to allow 270 square feet of painted signage on the north, west and south elevation and allow two non-illuminated logos on the canopy, where one non-illuminated logo is allowed. Said logos would be the same size and in the same locations as proposed.

The motion carried with the following vote: Ayes: Fung, Lindskog, Madhdhipatla, Mistry and Scharf. Noes: None. Abstain: None. Absent: None.

**OLD BUSINESS - None**

**NEW BUSINESS - None**

### **STAFF AND COMMISSION REPORTS**

Planning Manager Piu Ghosh reported that the Housing Element was adopted at the May 14, 2024 City Council meeting. She stated that revisions to the zoning code is forthcoming to the Planning Commission and City Council.

Chair Fung reported on the 5/15/2024 Mayor's Commissioner Meeting. He stated that all city commissions would now be available to view live remotely.

**FUTURE AGENDA SETTING - None**

### **ADJOURNMENT**

At 8:36 p.m., Chair Fung adjourned the Regular Planning Commission Meeting.

Minutes prepared by:

/s/ Jon P.de Ridder  
Jon P. de Ridder, Administrative Assistant