



**APPROVED MINUTES
CUPERTINO PLANNING COMMISSION
Tuesday, October 11, 2022**

REGULAR MEETING

At 6:45 p.m. Planning Commission Chair Steven Scharf called the Regular Planning Commission meeting to order. This was a teleconference meeting with no physical location.

ROLL CALL

Present: Chair Steven Scharf, Vice Chair Muni Madhhipatla, Commissioners Sanjiv Kapil, Vikram Saxena, R Wang. Absent: None. All Commissioners teleconferenced for the meeting.

APPROVAL OF MINUTES

1. Subject: Approve the September 27 Planning Commission minutes
Recommended Action: Approve the September 27 Planning Commission minutes

Scharf moved and Wang seconded to approve the September 27 Planning Commission minutes with minor formatting correction. Ayes: Scharf, Madhhipatla, Kapil, Saxena, Wang. Noes: None. Abstain: None. Absent: None.

POSTPONEMENTS – None

ORAL COMMUNICATIONS

Jennifer Griffin spoke about assembly bills AB 2097, AB 2011, AB 2653, and its impact on charter cities.

Rhoda Fry spoke about development interests in the Lehigh Quarry and Cement Plant.

WRITTEN COMMUNICATIONS

Email received by Cathy Helgerson about resuming in-person meetings was forwarded from the City Clerk's office to the Planning Commission prior to the meeting.

CONSENT CALENDAR – None

PUBLIC HEARINGS

2. Subject: Sign Exception to allow three (3) wall signs where two (2) are permitted and to further allow two (2) of the three (3) wall signs to be oriented towards the freeway on two separate storage facility buildings. (Application No(s): EXC-2022-003; Applicant(s): David Ford, All Sign Services; Location: 20565 Valley Green Dr.; APN: 326-10-044)
Recommended Action: Staff recommends that the Planning Commission, in accordance with the draft resolution:
1. Find the project exempt from CEQA; and
 2. Approve the Sign Exception (EXC-2022-003) to allow a total of two wall signs and only one freeway-oriented sign.

Planning Manager Piu Ghosh introduce Senior Planner Gian Martire who gave presentation on the three proposed signs on the existing storage facility buildings. Sign one, internally facing, currently has building approval, while signs two and three are freeway-facing. Staff is not recommending for sign three to be installed according to Municipal code design standards.

Written Communications for this item were received before the meeting and sent to the Commission.

Chair Scharf opened the public comment period and the following people spoke:

Rashi Sharma asked Commissioners to not approve sign two if illuminated.

Jennifer Griffin supports sign two if these are not illuminated.

Rhoda Fry does not support sign two.

Chair Scharf closed the public comment period.

Mr. Martire, Ms. Ghosh, Senior Assistant City Attorney Michael Woo and applicant David Ford answered questions from the Commission.

Commissioners asked and made comments regarding building exception, proposed alternate sign locations, and clarification on the Dark Sky ordinance in relation to the application.

Motion by Chair Scharf and second by Vice Chair Madhhipatla to deny the sign exceptions requested.

Substitute motion made by Wang and second by Saxena to consider accepting sign one and deny sign two.

Vice Chair Madhhipatla made friendly amendment to Wang's substitute motion to approve sign two to be a non-illuminating freeway facing sign and deny sign three. Motion was not accepted.

The original motion denying the sign exceptions passed 5-0. Ayes: Scharf, Madhhipatla, Kapil, Saxena, Wang. Noes: None. Abstain: None. Absent: None.

The commission recessed from 7:50 to 7:55.

3. Subject: Consider an ordinance to implement new state legislation (Senate Bill 9), that provides for ministerial approval of up to two units and/or a lot split in a residential single-family zone (Application No.: MCA-2022-001; Applicant: City of Cupertino; Location: Citywide in all residential single-family zones)
Recommended Action: That the Planning Commission adopt the Draft Resolution (Attachment 1) recommending that the City Council find the actions exempt from CEQA and adopt the proposed Municipal Code Amendments.

Planning Manager Piu Ghosh introduced Assistant Planner Emi Sugiyama who gave presentation on proposed modifications to the interim ordinance for Senate Bill 9. While the proposed ordinance itself remains the same from the interim ordinance and is exempt from CEQA per State law, clarifying changes are proposed (with alternate design standards presented); subsequent SB9 development applications are still subject to environmental review.

As outreach, a Community meeting held on September 28, 2022 attended by 107 members of public, as well as a City Council study session on September 20, 2022 to gather additional feedback to assist in drafting language in the ordinance on matters not covered under State regulations. (Both meetings were recorded and are available on the City's official YouTube page and the project webpage.)

Written Communications for this item were received before the meeting and sent to the Commission.

Chair Scharf opened the public comment period and the following people spoke:

Jennifer Griffin – state has no land use experience about local control and no neighbor input.

Tej Kohli – shared presentation on proposed SB 9 on property.
Nageshwara Vempaty – remove restriction on hillside lots.

Chair Scharf closed the public comment period.

Commissioners asked and made comments about setbacks, concerns about parking and balconies, and slope regulations, CEQA exemptions, which Ms. Sugiyama, Ms. Ghosh and Mr. Woo answered.

While issues 1 (Lot Split), 3 (Basements), and 4 (Accessory Dwelling Units) had no changes, the following amendments were made to the following issues:

- Issue 2. Balconies: Not permitted with any development pursuant to SB 9 ministerial units;
- Issue 5. Grade change: Grading on slopes of any percentage shall not result in a change in grade elevation by more than 12-inches from existing natural grade.

Motion by Scharf and second by Kapil to adopt resolution with proposed modifications.
Ayes: Scharf, Madhhipatla, Kapil, Saxena. Noes: Wang. Abstain: None. Absent: None.

STUDY SESSION – None

OLD BUSINESS

Commissioner Saxena asked about the School-to-Home proposed agenda item, of which no reportable data can be provided.

Chair Scharf spoke about the 5G lawsuit in Los Altos. PW currently working on ordinance.

The public hearing for above-ground crypts at the Gates of Heaven Cemetery is scheduled for the October 25th Planning Commission meeting if application is not withdrawn prior to the meeting.

NEW BUSINESS – None

STAFF AND COMMISSION REPORTS

Ms. Ghosh reported out on Planning Commission Training hosted by Institute for Local Government on October 7 which Vice Chair Madhhipatla and Commissioner Kapil attended. Vice Chair Madhhipatla also spoke about the training.

FUTURE AGENDA SETTING

- 5G Design Aesthetic Standards (Wang, Saxena)

ADJOURNMENT

At 10:31 p.m., Chair Scharf adjourned the meeting.

/s/Cyrah Caburian
Cyrah Caburian, Administrative Assistant