



**APPROVED MINUTES**  
**CUPERTINO PLANNING COMMISSION**  
Tuesday, June 11, 2024

At 6:45 p.m. Vice Chair Seema Lindskog 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: Vice Chair Seema Lindskog, and Commissioners Muni Madhhipatla, Tejesh Mistry and Steven Scharf. Absent: Chair David Fung. Commissioner Mistry attended via teleconference.

**APPROVAL OF MINUTES**

1. Subject: Approve the May 28 Planning Commission minutes.  
Recommended Action: Approve the May 28 Planning Commission minutes.

MOTION: Scharf moved and Madhhipatla seconded to approve the May 28 Planning Commission minutes.

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

**POSTPONEMENTS** - None

**ORAL COMMUNICATIONS**

Jennifer Griffin stated her concern that two commission meetings, Parks and Recreation and Planning, were scheduled for the same night. She discussed her concern on the CVRA lawsuit and how it might affect the future of Cupertino.

Peggy Griffin stated she believed the Commission was in violation of the Brown Act for Commissioner Mistry's remote attendance. She also expressed her frustration with the two commission meetings scheduled for the same night.

The following speakers stated concerns related to traffic, fire safety, insurance rates, and transparency regarding potential development in the Linda Vista/Vista Heights area next to Linda Vista Park:

- Rose Grymes
- Peter Friedland
- Sujai Hajela

San R expressed his concern regarding concurrent commission meetings and asked that the Housing Element site list be published by address in addition to APN. He added his support for the concerns stated by residents of the Linda Vista area and concerns for the wildlife therein.

Commissioner Madhhipatla asked for clarification on the status of the Linda Vista/Vista Heights project and if it would come before the Planning Commission for review.

Staff clarified that it was currently only a SB330 pre-application at this point.

**CONSENT CALENDAR** - None

## **PUBLIC HEARINGS**

2. Subject: Municipal Code, Specific Plan, Below Market Rate Mitigation Manual and Zoning Map Amendments related to implementing the 6th Cycle Housing Element (Application No.(s): MCA-2023-001, SPA-2023-001, CP-2024-002, Z-2024-001, EA-2024-001; Applicant: City of Cupertino; Location: city-wide)  
Recommended Action: That the Planning Commission recommend that the City Council adopt draft resolutions allowing for consistency with the 6th Cycle Housing Element, and minor edits for clarity, as follows:
  1. Municipal Code Amendments (Attachment A), including but not limited to:
    - a. Adoption of three new Chapters, Chapter 19.38 (Multiple-Family Residential (R-4) Zones), Chapter 19.46 (Townhome (TH) Combining District), Chapter 19.50 (Emergency Shelters) and
    - b. Amendments to Chapter 19.08 (Definitions), Chapter 19.12 (Administration), Chapter 19.16 (Designations and Establishment of Districts), Chapter 19.20 (Permitted, Conditional and Prohibited Uses in Agricultural and Residential Zoning Districts), Chapter 19.28 (Single Family Residential (R-1) Zones), Chapter 19.36 (Multiple Family Residential (R-3) Zones), Chapter 19.76 (Public Building (BA), Quasi-Public Building (BQ), and Transportation (T) Zones), Chapter 19.80 (Planned Development (P) Zones), Chapter 19.100 (Accessory Buildings/Structures), Chapter 19.124 (Parking), Chapter 19.156

(Development Permits, Conditional Use Permits, and Variances), Chapter 19.168 (Architectural and Site Approval Permits), Chapter 14.15 (Landscape Ordinance) and Chapter 17.04 (Standard Environmental Protection Requirements); and

2. Adopt (Attachment B):
  - a. Amendments to the Heart of the City Specific Plan;
  - b. Amendments to the Below Market Rate (BMR) Mitigation Manual; and
3. Zoning Map Amendments (Attachment C) to reflect changes to Priority Housing Sites and other minor changes for internal consistency.

Director of Community Development Benjamin Fu introduced the item, Assistant Director of Community Development, Luke Connolly and Planning Manager, Piu Ghosh. Assistant Director Connolly and Planning Manager Ghosh gave a presentation.

Commissioners asked clarifying questions and made comments.

Vice Chair Lindskog opened the public hearing and the following people spoke:

- Jennifer Griffin
- Peggy Griffin
- Jun-Xiong Hughes
- San R

Vice Chair Lindskog closed the public hearing.

Commissioners asked questions and made comments.

Staff and Placeworks consultant, Charlie Knox answered questions.

MOTION: Lindskog moved and Mistry seconded that the Planning Commission recommend that the City Council:

Adopt the three new Chapters, Chapter 19.38 (Multiple-Family Residential (R-4) Zones), Chapter 19.46 (Townhome (TH) Combining District), Chapter 19.50 (Emergency Shelters) with the addition the Townhome Combining District allow for an increased height to 35 feet but maintain the lot coverage limit at 55 percent and eliminate the FAR restriction, and also that the proposed section 19.46.040 be revised to clarify that it is intended to refer only to the requirements and procedures regarding development plans as established in section 19.36.040 and 19.38.040 and also that the row in table 19.46.060 is the maximum lot width and refers to the width of the lot which is

no more than one townhome as distinct from a lot with multiple townhomes. And that the Building Development regulations table be relabeled to the correct 19.46.070.

FRIENDLY AMMENDMENT: Mistry made a friendly amendment:

That the Townhome Combining District allow for 100 percent FAR in addition to the increased height of 35 feet and remove the lot coverage limit of 55 percent. (Lindskog accepted the friendly amendment).

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

MOTION: Scharf moved and Madhhipatla seconded that the Planning Commission recommend the City Council:

Adopt the three new Chapters, Chapter 19.38 (Multiple-Family Residential (R-4) Zones), Chapter 19.46 (Townhome (TH) Combining District), Chapter 19.50 (Emergency Shelters) as recommended by staff.

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

Commissioners asked questions and made comments.

Staff answered questions.

MOTION: Mistry moved and Lindskog seconded that the Planning Commission recommend the City Council:

Adopt the proposed draft resolution related to Municipal Code Text Amendments with amendments to the parking requirements for duplex developments constructed under Housing Element Strategy HE-1.3.6 by requiring one open and one enclosed parking space per unit for a total of four per duplex.

FRIENDLY AMMENDMENT: Lindskog made a friendly amendment:

To add the carveout for the R1-a zoning designation (Chapter 19.28.040) that units located on parcels zoned R1-a shall meet the required front setbacks for R1-a zoning district and remove the word "rental" from Table 19.28.040 for duplexes allowed pursuant to Strategy HE-1.3.6 of the Housing Element. (Mistry accepted the friendly amendment).

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

MOTION: Scharf moved and Madhhipatla seconded that the Planning Commission recommend the City Council:

Adopt the proposed draft resolution with amendments to add a carveout for the R1-a zoning designation (Chapter 19.28.040) that duplex units pursuant to Strategy HE-1.3.6 of the Housing Element located on parcels zoned R1-a shall meet the required front setbacks for R1-a zoning district and remove the word “rental” from Table 19.28.040 for duplexes allowed pursuant to Strategy HE-1.3.6 of the Housing Element.

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

The Commission made no recommendation on the Municipal Code Text Amendments.

Commissioners asked questions and made comments.

Staff answered questions.

MOTION: Lindskog moved and Mistry seconded that the Planning Commission recommends the City Council:

Approval of the Specific Plan amendments and amendments to the Below Market Rate Housing Mitigation Manual to the City of Cupertino Municipal Code with the findings reflected in the draft resolution attached (Attachment B) hereby exhibits SPA-1 and CP-1.

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

Commissioners asked questions and made comments.

Staff answered questions.

MOTION: Lindskog moved and Mistry seconded that the Planning Commission recommends the City Council:

Approval of the rezoning to the City of Cupertino Municipal Code with the findings reflected in the Draft Ordinance attached hereto as Exhibit Z.

The motion carried with the following vote: Ayes: Lindskog, Madhhipatla, Mistry and

Scharf. Noes: None. Abstain: None. Absent: Fung.

**OLD BUSINESS** - None

**NEW BUSINESS** - None

**STAFF AND COMMISSION REPORTS**

Commissioner Scharf reported on attending a June 2<sup>nd</sup> Cali Zoom meeting with CA Assemblyman Alex Lee as the guest. The subject was affordable housing. He also reported on a June 9th meeting with CA State Senator Dave Cortese as the guest. The subject was housing.

**FUTURE AGENDA SETTING**

Commissioner Mistry requested that parking standards for all types of zoning be reviewed at a future meeting. Vice Chair Lindskog seconded the request.

**ADJOURNMENT**

At 9:26 p.m., Vice Chair Lindskog adjourned the Regular Planning Commission Meeting.

Minutes prepared by:

/s/Piu Ghosh

Piu Ghosh, Planning Manager