



CITY OF CUPERTINO

AGENDA

PLANNING COMMISSION

10350 Torre Avenue, Council Chamber

Tuesday, November 14, 2017

6:45 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

None

POSTPONEMENTS

ORAL COMMUNICATIONS

This portion of the meeting is reserved for persons wishing to address the Commission on any matter 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.

WRITTEN COMMUNICATIONS

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

1. Subject: Tentative Map application to allow the subdivision of 3 parcels (approximately 1.06 acres) into 5 parcels - 4 residential and 1 common (private street), Tree Removal Permit to allow the removal and replacement of seven (7) protected trees and associated environmental review. (Application No(s): TM-2015-01, TR-2016-28 (EA-2015-04) Applicant: Welkin International (Cai Xing Xie); Location: 10234 Scenic Blvd., APN#357-08-014, 047)

Recommended Action: That the Planning Commission adopt resolutions (Attachments 1, 2 and 3) recommending that the City Council:

1. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Report Program prepared for the proposed project; and,
2. Approve the: A.) Tentative Map Application to allow the subdivision of 3 parcels (approximately 1.06 acres) into 5 parcels - 4 residential and 1 common (private road); and B.) Tree Removal Permit to allow the removal and replacement of seven (7) protected trees.

Tentative City Council hearing date: December 19, 2017

[Staff Report](#)

[1 - Draft Resolution EA-2015-04](#)

[2 - Draft Resolution TM-2015-01](#)

[3 - Draft Resolution TR-2016-28](#)

[4 - Plan Set](#)

[5 - ERC Recommendation, IS-MND including Technical Appendix](#)

[6 - Arborist Report](#)

2. Subject: Consider an ordinance to establish regulations regarding adult use (recreational) and medicinal marijuana by adding a new Chapter 10.84, Medicinal and Adult Use of Marijuana, in Title 10, amending Chapter 19.08, Definitions, to repeal definitions related to Marijuana and amending Chapter 19.98, Medical Marijuana, to update and reference the newly established Chapter. (Application No(s): MCA-2017-04; Applicant(s): City of Cupertino; Location: Citywide)
Recommended Action: That the Planning Commission adopt the draft resolution (Attachment 1) recommending that the City Council:
 1. Find that the proposed actions are exempt from CEQA; and
 2. Adopt an ordinance entitled "An ordinance of the City Council of the City of Cupertino adding Chapter 10.84 titled "Medicinal and Adult Use of Marijuana" to Title 10 of the Cupertino Municipal Code; amending Section 19.08.030 to repeal Definitions related to Marijuana; and amending Chapter 19.98 to reference the newly adopted ordinance"

Tentative City Council hearing date: December 5, 2017

[Staff Report](#)

[1 - Draft Resolution](#)

[2 - Proposed Redlines re: Medicinal and Adult Use Marijuana](#)

[3 - SCC DA Office memo from May 2014](#)

3. Subject: Consider an ordinance to amend regulations in Title 19, Zoning of the Municipal Code with regard to Accessory Dwelling Units, including Chapter 19.08, Definitions, and Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and

A-1 zones (Application No(s): MCA-2017-05; Applicant(s): City of Cupertino;
Location: Citywide)

Recommended Action: That the Planning Commission adopt a resolution (Attachment 1) recommending that the City Council:

1. Find that the proposed actions are exempt from CEQA; and
2. Adopt an ordinance entitled “An Ordinance of the City Council of the City of Cupertino amending Chapter 19.08, Definitions and Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and A-1 Zones (Residential Zoning Districts) to conform to new state laws.”

Tentative City Council hearing date: December 19, 2017

[Staff Report](#)

[1 - Draft Resolution](#)

[2 - Proposed Redlines re: ADUs](#)

OLD BUSINESS

4. Subject: Two Story Permit and Minor Residential Permit to allow construction of a new single family residence with a second floor balcony. Application No(s): R-2016-28, RM-2016-26; Applicant: Glush Dada (Qi/Juan residence); Location: Lot 1 Lindy Lane APN# 356-25-031

Recommended Action: That the Planning Commission adopt the proposed draft resolutions to:

- 1) Approve a Two Story Permit to allow the construction of a new residence with a Floor Area Ratio of approximately 25%; and
- 2) Approve a Minor Residential Permit to construct a home with a second story balcony.

This portion of the development proposal was continued from the September 26, 2017 meeting

Planning Commission decision final unless appealed

[Staff Report](#)

[1 - Draft Resolution, R-2016-28](#)

[2 - Draft Resolution, RM-2016-26](#)

[3 - Plan Set](#)

NEW BUSINESS

STAFF AND COMMISSION REPORTS

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 the next Planning Commission 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, 48 hours in advance of the meeting to arrange for assistance. Upon request, in advance, by a person with a disability, Planning Commission meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format. Also upon request, in advance, an assistive listening device can be made available for use during the meeting.

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, during normal business hours and in Planning packet archives linked from the agenda/minutes page on the Cupertino web site.

IMPORTANT NOTICE: Please be advised that pursuant to Cupertino Municipal Code 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City 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's website and kept in packet archives. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City.

Members of the public are entitled to address the Planning Commission concerning any item that is described in the notice or agenda for this meeting, before or during consideration of that item. If you wish to address the Planning Commission on any issue that is on this agenda, please complete a speaker request card located in front of the Commission, and deliver it to the City Staff prior to discussion of the item. When you are called, proceed to the podium and the Chair will recognize you. If you wish to

address the Planning Commission on any other item not on the agenda, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less. Please note that Planning Commission policy is to allow an applicant and groups to speak for 10 minutes and individuals to speak for 3 minutes.

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.