



# CITY OF CUPERTINO

## AGENDA

### PLANNING COMMISSION

10350 Torre Avenue, Council Chamber

Tuesday, November 12, 2019

6:45 PM

Amended

Amended on November 8, 2019 at 3:45 to add attachments to items #2 and 6

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### APPROVAL OF MINUTES

1. Subject: Draft Minutes of October 28, 2019  
Recommended Action: Approve or modify the Draft Minutes of October 28, 2019  
[Draft Minutes of October 28, 2019](#)

#### 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.*

#### STUDY SESSION

2. Subject: Study Session regarding amendments being proposed to City standards for parkland dedication and fees (Chapter 13.08 - Park Land Dedication Fee, Chapter 14.05 - Park Maintenance Fee, and Chapter 18.24 - Dedications and Reservations) and the 2014 Certified General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR  
Recommended Action: Provide any input to Staff regarding the proposed amendments  
Tentative City Council hearing date: December 3, 2019

[Staff Report](#)[1 - Redline Municipal Code amendments](#)[2 - Fourth Addendum to the Final EIR](#)

3. Subject: Study Session on the General Plan Annual Review/Implementation Plan and consider General Plan Policies and Strategies that could benefit from clarification.

Recommended Action: That the Planning Commission:

1. Provide additional direction on the format and content of the General Plan Annual Review/Implementation Plan; and
2. Consider General Plan Policies and Strategies that could benefit from clarification.

[Staff Report](#)[1 - GP 2019 Annual Report](#)

## PUBLIC HEARINGS

4. Subject: Appeal of the Director's approval of a Residential Design Review Permit to allow the construction of a 520 square foot first-floor addition and an 820 square foot second-story addition with a second-story setback less than 15 feet and a Minor Residential Permit to allow a balcony on the new second story. Application No(s): R-2017-33, RM-2017-39; Appellant(s): Shayjan Huang and Eric and Cindy Fang; Applicant(s): Francis Kun (Tsai residence); Location: 21865 San Fernando Avenue; APN #357-15-043

Recommended Action: Conduct the public hearing and deny the appeal and uphold the Director's decision to approve the applications per the Draft Resolutions Planning Commission decision final unless appealed

[Staff Report](#)[1 - Draft Resolution for R-2017-33](#)[2 - Draft Resolution for RM-2019-39](#)[3 - Approved Plan Set](#)[4 - Appeal Form](#)[5 - Distribution of Two-Story Residences](#)

5. Subject: Review three additional projects (Regnart Creek Trail, Citywide Community Gardens, and Linda Vista Trail) added during the adoption of the Five Year Capital Improvement Program FY 2020-2024 (2019-2020 to 2023-2023) for consistency with the City's General Plan.

Recommended Action: Staff recommends that the Planning Commission adopt the draft resolution finding that the Proposed Additional Projects to the Capital Improvement Program are:

1. Exempt from the California Environmental Quality Act (CEQA), and
2. Consistent with the City's General Plan.

Tentative City Council meeting date: December 19, 2019

[Staff Report](#)[1 - Draft Resolution](#)[2 - Text of Cal. Government Code § 65403\(c\) and Cupertino Municipal Code Section 2.32.070 \(2\)](#)[3 - Description of Projects](#)[4 - Matrix of CIP Projects and General Plan Consistency Notes](#)[5 - Excerpts of General Plan Policies](#)

6. Subject: Cupertino Municipal Code Amendments to specify development standards in the Planned Development Zoning District (Chapter 19.80 - Planned Development (P) Zones) and the Third Addendum to the Final EIR prepared for the General Plan Amendment, Housing Element Update, and Associated Rezoning Project (State Clearinghouse No. 2014032007). Application No(s): MCA-2019-005, EA-2013-03; Applicant(s): City of Cupertino; Location: citywide
- Recommended Action: conduct the Public Hearing and recommend that the City Council:
- 1) Adopt an Addendum to the Final EIR; and
  - 2) Approve the proposed Municipal Code Amendments per the Draft Resolution

Tentative City Council hearing date: December 3, 2019

[Staff Report](#)[1 - Draft Resolution MCA-2019-005](#)[2 - Redline document indicating changes in Chapter 19.80.pdf](#)[3 - Third Addendum to the Final EIR](#)**OLD BUSINESS****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.*

*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).*