



# CITY OF CUPERTINO

## AGENDA

### PLANNING COMMISSION

This will be a teleconference meeting with no physical location.

Tuesday, October 27, 2020

6:45 PM

Teleconference Meeting

#### TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION TO HELP STOP THE SPREAD OF COVID-19

In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location to help stop the spread of COVID-19.

Members of the public wishing to observe the meeting may do so in one of the following ways:

- 1) Tune to Comcast Channel 26 and AT&T U-Verse Channel 99 on your TV.
- 2) The meeting will also be streamed live on and online at [www.Cupertino.org/youtube](http://www.Cupertino.org/youtube) and [www.Cupertino.org/webcast](http://www.Cupertino.org/webcast)

Members of the public wishing comment on an item on the agenda may do so in the following ways:

- 1) E-mail comments by 5:00 p.m. on Tuesday, October 27th to the Commission at [planningcommission@cupertino.org](mailto:planningcommission@cupertino.org). These e-mail comments will be received by the Commission members before the meeting and posted to the City's website after the meeting.
- 2) E-mail comments during the times for public comment during the meeting to the Commission at [planningcommission@cupertino.org](mailto:planningcommission@cupertino.org). The staff liaison will read the emails into the record, and display any attachments on the screen, for up to 3 minutes (subject to the Chair's discretion to shorten time for public comments). Members of the public that wish to share a document must email [planningcommission@cupertino.org](mailto:planningcommission@cupertino.org) prior to speaking.

#### 3) Teleconferencing Instructions

Members of the public may observe the teleconference meeting or provide oral public comments as follows:

Oral public comments will be accepted during the teleconference meeting. Comments may be made during “oral communications” for matters not on the agenda, and during the public comment period for each agenda item.

To address the Commission, click on the link below to register in advance and access the meeting:

#### Online

Please click the link below to join the webinar:

[https://cityofcupertino.zoom.us/webinar/register/WN\\_WbPg5MSvQPmeS6JSHWNiGg](https://cityofcupertino.zoom.us/webinar/register/WN_WbPg5MSvQPmeS6JSHWNiGg)

#### Phone

Dial 888 788 0099 and enter Webinar ID: 947 0677 2997 (Type \*9 to raise hand to speak)

Unregistered participants will be called on by the last four digits of their phone number.

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

Meeting ID: 947 0677 2997

SIP: 94706772997@zoomcrc.com

After registering, you will receive a confirmation email containing information about joining the webinar.

Please read the following instructions carefully:

1. You can directly download the teleconference software or connect to the meeting in your internet browser. If you are using your browser, make sure you are using a current and up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers, including Internet Explorer.
  2. You will be asked to enter an email address and a name, followed by an email with instructions on how to connect to the meeting. Your email address will not be disclosed to the public. If you wish to make an oral public comment but do not wish to provide your name, you may enter “Cupertino Resident” or similar designation.
  3. When the Chair calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
  4. When called, please limit your remarks to the time allotted and the specific agenda topic.
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In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this teleconference 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, at least 48 hours in advance of the meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

## ROLL CALL

## APPROVAL OF MINUTES

1. Subject: Draft Minutes of October 13, 2020  
Recommended Action: Approve or modify the Draft Minutes of October 13, 2020  
[Draft Minutes of October 13, 2020](#)

## ORAL COMMUNICATIONS

*This portion of the meeting is reserved for persons wishing to address the Commission on any matter within the jurisdiction of the Commission and 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

2. Subject: Modification to Use Permit (U-2011-09) and an Architectural and Site approval to allow for the installation of two (2) hydrogen refueling dispensers and accessory utility structures, site improvements and landscaping to an existing gasoline station (BSP Union). Application No(s): M-2020-001, ASA-2020-002; Applicant(s): Kristi Kandel (BSP Cupertino Union, LLC); Location: 21530 Stevens Creek Boulevard APN #357-20-027  
Recommended Action: That the Planning Commission conduct the public hearing and adopt the proposed resolution to:  
1) find that the proposed project is exempt from CEQA; and  
2) approve the project per the Draft Resolutions  
The Planning Commission decision is final unless appealed

[Staff Report](#)[1 - Draft Resolution for M-2020-001](#)[2 - Draft Resolution for ASA-2020-002](#)[3 - Plan Set](#)[4 - Approved Landscape Plan from DIR-2015-25](#)

3. **Subject:** Consider Municipal Code Amendments to update existing Mobile Vending regulations, including, but not limited to, regulations in Chapter 5.48, and potential conforming edits to other chapters in the Municipal Code, including in Titles 5, 11, 13 and 19, and adopting new policies and definitions regulating Mobile Vendors. Application No(s): MCA-2020-004; Applicant: City of Cupertino; Location: City-wide (postponed from the October 13, 2020 meeting)

**Recommended Action:** That the Planning Commission adopt the draft resolution recommending that the City Council:

- 1) Find that the proposed actions are exempt from CEQA; and
- 2) Adopt an ordinance to make Municipal Code Amendments related to new and amended regulations related to sidewalk and motorized mobile vendors

Tentative City Council hearing date: December 1, 2020

[Staff Report](#)[1 - Draft Resolution indicating proposed amendments](#)[2 - SB 946 - Sidewalk Vendors](#)[3 - Comparison chart of other cities](#)

4. **Subject:** Municipal Code Amendments to adopt glazing and lighting regulations to implement the Fiscal Year 2019/20 City Council Work Program items related to Dark Sky and Bird-Safe Design. Application No. MCA-2019-003 and MCA-2019-004; Applicant: City of Cupertino; Location: City-wide (Continued from the August 11, 2020 meeting)

**Recommended Action:** Conduct the public hearing and recommend that the City Council:

- 1) Find that the action is exempt from CEQA; and
- 2) Amend the Municipal Code by adding a new Chapter 19.102 and amending Chapters 19.08, 19.12, 19.40, 19.60, and 19.72 to adopt glazing and lighting regulations to implement Bird-Safe Design and Dark Sky goals

Tentative City Council hearing date: December 1, 2020

[Staff Report](#)[1 – Draft Resolution for MCA-2019-03 and MCA-2019-004](#)[2 – August 11, 2020 Staff Report](#)[3 – Redline Document for Proposed Modifications to Title 19](#)[4 – Comparison of Bird-Safe Regulations](#)[5 – Comparison of Lighting and Dark Sky Regulations](#)[6 – Public Comments](#)

**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 this teleconference 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, at least 48 hours in advance of the meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.*

*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).*