



DRAFT MINUTES
CUPERTINO PLANNING COMMISSION
Tuesday, June 14, 2022

REGULAR MEETING

At 6:45 p.m. 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 (6:46), R Wang (8:46). Absent: None. All Commissioners teleconferenced for the meeting.

APPROVAL OF MINUTES

1. Subject: Approve the April 26 Planning Commission minutes
Recommended Action: Approve the April 26 Planning Commission minutes

Chair Scharf moved and Commissioner Saxena seconded to approve the April 26 Planning Commission minutes. Ayes: Scharf, Saxena. Noes: Kapil. Abstain: Madhhipatla. Absent: Wang.

2. Subject: Approve the May 24 Planning Commission minutes
Recommended Action: Approve the May 24 Planning Commission minutes

Chair Scharf moved and Vice Chair Madhhipatla seconded to approve the May 24 Planning Commission minutes. Ayes: Scharf, Madhhipatla, Kapil, Saxena. Noes: None. Abstain: None. Absent: Wang.

POSTPONEMENTS – None

ORAL COMMUNICATIONS

Connie Cunningham spoke regarding LGBTQ Pride Month in Cupertino and encouraged

Commission to ensure Cupertino's Housing Element Update will meet needs of all members of the Community.

Jennifer Griffin spoke regarding the various Housing Element Updates in Southern California that have not been certified by the State Department of Housing and Community Development.

Lisa Warren spoke regarding the Planning Commission's continued discussion on Housing Element Site Inventory and Selection.

WRITTEN COMMUNICATIONS

An email from Lakshmi Rajagopalan regarding Cupertino's Housing Element Update process was received before the meeting and was read to the Commission.

CONSENT CALENDAR – None

PUBLIC HEARINGS

3. Subject: Consider renewal of a Conditional Use Permit for an existing mono-eucalyptus wireless communications facility (U-2011-10). (Application No(s): U-2022-001; Applicant: Kathryn Leal; Location: 23600 Via Esplendor; APN(s): 342-54-016)
Recommended Action: That the Planning Commission adopt the proposed draft resolution to:
 1. Find that the approval of the project is exempt from CEQA;
 2. Approve the Use Permit (U-2022-001 (Attachment 1)

Planning Manager Piu Ghosh introduced Associate Planner Brianne Harkousha who gave presentation on Conditional Use Permit on the existing cell tower in the Forum at Rancho Antonio seeking renewal.

Chair Scharf opened the public comment period and, seeing no hands raised, closed the public comment period.

Ms. Harkousha, Ms. Ghosh and Senior Assistant City Attorney Michael Woo answered questions from the Commission. Kathryn Leal, consultant on the project, was also on hand to provide clarifying answers to questions raised from the presentation.

Chair Scharf moved and Vice Chair Madhhipatla seconded to approve and renew permit. Ayes: Scharf, Madhhipatla, Kapil, Saxena. Noes: None. Abstain: None. Absent: Wang.

4. Subject: Consider renewal of a Conditional Use Permit for an existing mono-pine wireless communications facility (U-2011-02). (Application No: U-2022-002; Applicant: Kathryn Leal; Location: 22475 Rancho Deep Cliff Drive; APN: 356-02-999)
Recommended Action: That the Planning Commission adopt the proposed draft resolution to:
1. Find that the approval of the project is exempt from CEQA;
 2. Approve the Use Permit (U-2022-002 (Attachment 1))

Ms. Ghosh introduced Associate Planner Ms. Harkousha who gave presentation on Conditional Use Permit on the existing cell tower in the Rancho Deep Cliff area seeking renewal. While the cell tower renewal application is used both by AT&T and Verizon, the renewal is currently only for AT&T; Verizon is required to renew their application as well.

Chair Scharf opened the public comment period and, seeing no hands raised, closed the public comment period.

Written Communications for this item were received by the Commission before the meeting.

Ms. Harkousha and Ms. Ghosh answered questions from the Commission.

Chair Scharf moved and Vice Chair Madhhipatla seconded to approve and renew permit. Ayes: Scharf, Madhhipatla, Kapil, Saxena. Noes: None. Abstain: None. Absent: Wang.

5. Subject: Consider an appeal of the Community Development Director's approval of a Two-Story Permit to consider the construction of a new 3,233-square-foot, two-story single-family residence, and an attached 797-square-foot Accessory Dwelling Unit (ADU) (Application No.: R-2021-023; Applicant: Kyle Chan.; Property Owners: Dung N. (David) Do & Wen Hsiu (Cristina) Hung; Appellant: Sanjiv and Deepika Kapil; Location: 6522 Clifford Dr; APN # 369-24-037)
Recommended Action: That the Planning Commission conduct a public hearing and adopt the Draft Resolution (Attachment 1) denying the appeal and upholding the Director's decision to approve the application.

Mr. Kapil, as the appellant, recused himself from discussion in his role as Commissioner.

Ms. Ghosh introduced Associate Planner Ms. Harkousha who gave presentation on application for property owner at 6522 Clifford Drive to build a new 3,233-square foot, two-story single-family residence with a 797-square-foot accessory dwelling unit (ADU).

On January 27, 2022, the applicant submitted revised plans to the City, and was approved by the Director of Community Development on January 31, 2022.

On February 14, 2022, Appellants filed an appeal on decision to approve application with concerns raised about the ADU and privacy impacts regarding the Primary Dwelling Unit, in which staff provided responses. Property owner and applicant/architect are agreeable to changing second-story windows if the Commission upholds decision and denies appeal on the condition these be approved.

Written Communications from one of the applicant's neighbors was received before the meeting and sent to the Commission.

Applicant Kyle Chan, Property Owners Dung N. (David) Do and Wen Hsiu (Cristina) Hung, and Appellants Sanjiv and Deepika Kapil each addressed the Commission.

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

Jennifer Griffin

Lisa Warren

Jean Bedord

Chair Scharf closed the public comment period.

Ms. Harkousha, Ms. Ghosh and Mr. Woo answered questions from the Commission.

Commissioner Wang joined the meeting at 8:46 p.m.

Commissioner Wang moved and Chair Scharf seconded to deny appeal and uphold the director's approval. Ayes: Scharf, Madhhipatla, Saxena, Wang. Noes: None. Abstain: Kapil. Absent: None.

Mr. Kapil rejoined the meeting in his role as Commissioner.

STUDY SESSION – None

OLD BUSINESS – None

NEW BUSINESS – None

STAFF AND COMMISSION REPORTS - None

Chair Scharf and Commissioners Kapil, Saxena, and Wang attended the joint Commission meeting held on June 13th with other members of the Bicycle-Pedestrian and Parks and Recreation Commissions regarding the Lawrence Mitty Master Plan.

The next Planning Commission meeting scheduled for June 28th will be a joint meeting with Housing Commission regarding Housing Element Site Selection and Inventory for recommendations that will be brought forth to City Council for final adoption.

Vice Chair Madhhipatla will be attending the rescheduled Mayor's Meeting with Commissioners on June 15th.

FUTURE AGENDA SETTING

Chair Scharf proposed a future discussion on whether a member from Planning Commission should serve on the Legislative Review Committee.

Vice Chair Madhhipatla and Commissioner Wang would like a report on the gaps in the regulations for construction of two-story homes in the Municipal Code based on community concerns. In addition, Chair Scharf requested consideration of whether the Housing Accountability Act allows consideration of structure's scale to neighborhood or whether this should be struck from the Municipal Code.

Commissioner Wang proposed bringing back architectural standards about wireless cell towers; however, it was noted that development of a 5G Wireless ordinance is on the City Council City Work Plan.

Commissioners Wang proposed having members from Livable California or California Policy Center give a presentation at a future meeting regarding impacts of State Law on housing standards; with addition by Chair Scharf to include potential presentation by Housing is a Human Right.

Commissioner Saxena and Chair Scharf proposed discussion on School generation ratios among different developments.

ADJOURNMENT

At 9:49 p.m., Chair Scharf adjourned the meeting.

/s/Cyrah Caburian
Cyrah Caburian, Administrative Assistant