

**CHAPTER 2.32: PLANNING COMMISSION\***

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\* For statutory provisions regarding the establishment of a city planning commission, see Gov. Code § 65100 et seq. -- See Title 17, Zoning.

\* Prior ordinance history: Ords. 5, 5(b), 5(c), 5(d), 167, 1166, 1213, 1321, 1459, 1549 and 1697.

**2.32.010 Established.**

The City Planning Commission is established. The City Planning Commission shall consist of five members, none of whom shall be officials or employees of the City and none of whom shall cohabit with as defined by law, nor be related by blood or marriage to any other member of the Commission, the City Manager or the staff person(s) assigned to this Commission. The five members shall be appointed by the City Council. Each member shall be a qualified elector in and resident of the City. Each member shall receive compensation as established by resolution of the City Council.

(Ord. 1787, § 1 (part), 1998)

**2.32.020 Term of Office of Members.**

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Planning Commission shall be four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by Resolution No. 7571 of the Cupertino City Council.

(Ord. 1974, § 4 (part), 2006; Ord. 1787, § 1 (part), 1998)

**2.32.030 Vacancy or Removal.**

Any appointed member may be removed by a majority vote of the City Council. If a vacancy occurs other than by expiration of a term, it shall be filled by the Mayor's appointment for the unexpired portion of the term.

(Ord. 1787, § 1 (part), 1998)

**2.32.040 Chairperson.**

The commission shall elect its Chairperson and Vice- Chairperson from among its members. The terms of the Chairperson and Vice-Chairperson shall be for one year.

(Ord. 2015, § 7, 2008; Ord. 1787, § 1 (part), 1998)

### **2.32.050 Meetings.**

A. The City Planning Commission shall hold regular meetings on the second and fourth Tuesdays of each month at six forty-five p.m. and may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, such adjourned meeting shall be a regular meeting for all purposes. Such adjourned meetings may likewise be adjourned and any so adjourned meeting shall be a regular meeting for all purposes.

City Planning Commission meetings that fall on legal holidays shall automatically be moved to the following day.

B. Special meetings of the Commission may be called at any time by the Chairperson or by any three or more members of the Commission upon written notice being given to all members of the Commission and received by them at least twenty-four hours prior to the meeting, unless notice requirement is waived in writing by the member.

(Ord. 1942, 2004; Ord. 1787, § 1 (part), 1998)

### **2.32.060 Amendments-Records Required.**

A. The affirmative vote of not less than a majority of its total voting members is required to approve a recommendation to amend the zoning ordinance; the affirmative vote of a majority present with a quorum present is required to take any other action.

B. The Commission shall keep an accurate record of its proceedings and transactions, and shall render such reports to the Council as may be required by ordinance or resolution, and shall submit an annual report to the Mayor.

To accomplish this the Commission shall be furnished with a secretary employed by the City to keep accurate records of the Commission. All records so prepared by the secretary shall be filed with the City Clerk.

(Ord. 1787, § 1 (part), 1998)

### **2.32.070 Powers and Functions.**

The powers and functions of the City Planning Commission shall be as follows:

A. Prepare, periodically review, and revise as necessary, the General Plan;

B. Implement the General Plan through actions including, but not limited to, the administration of specific plans and zoning, subdivisions, and sign ordinances;

C. Annually review the capital improvement program of the City and the local public works projects of other local agencies for their consistency with the General Plan (pursuant to Sections 65400 et seq. of the California Government Code);

D. Endeavor to promote public interest in, comment upon, and understanding of the General Plan, and regulation relating to it;

E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens generally concerning implementation of the General Plan;

F. Promote the coordination of local plans and programs with the plans and programs of other agencies;

G. Perform other functions as the City Council provides including conducting studies and preparing plans other than those required or authorized by state law;

H. Establish as needed a standing subcommittee of the Commission for Design Review. The Planning Commission shall decide appeals of the Design Review Committee for the purposes of conducting design review on projects that properly come before the Design Review Committee for review, and conduct design review of a project as required by Chapters 2.90, 19.132, 19.134 and of the Cupertino Municipal Code.

(Ord. 1844, § 1 (part), 2000; Ord. 1787, § 1 (part), 1998)

### **2.32.080 Procedural Rules.**

The Planning Commission may adopt from time to time such rules of procedure as it may deem necessary to properly exercise its powers and duties. Such rules shall be subject to approval by the Council before becoming effective. All such rules shall be kept on file with the Chairperson of the Planning Commission and the Mayor and a copy thereof shall be furnished to any person upon request.

(Ord. 1844, § 1 (part), 2000; Ord. 1787, § 1 (part), 1998)