

CITY OF CUPERTINO  
10300 Torre Avenue  
Cupertino, CA 95014

CITY OF CUPERTINO  
PLANNING COMMISSION MEETING  
ACTION MINUTES, February 12, 2019

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**PLEDGE OF ALLEGIANCE**

At 6:45 p.m. Chairperson Paulsen called to order the regular Planning Commission meeting in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue, Cupertino, CA. and led the Pledge of Allegiance.

**ROLL CALL**

Present: Chairperson Geoff Paulsen, Vice Chairperson Takahashi and Commissioner Don Sun, David Fung. Absent: None

**APPROVAL OF MINUTES**

1. **Subject:** Draft Minutes of January 8, 2019.

**Recommended Action:** Approve or modify the Draft Minutes of January 8, 2019

Moved by Takahashi and seconded by Fung to approve the minutes as written. The motion carried 4-0-0.

**CEREMONIAL MATTERS:**

2. **Subject:** Elect a Chair, Vice Chair and Committee representatives

**Recommended Action:** Elect a Planning Commission Chair, Planning Commission Vice Chair, make a recommendation to the City Council for a representative to the Environmental Review Committee, keep or select new representatives to the Housing Commission and Economic Development Committee.

Election of Chair:

Moved by Saxena to elect R Wang Chair of the Planning Commission and seconded by Moore. The motion carried 3-2-0 (Takahashi, Fung voting no)

Election of Vice Chair:

Moved by Wang to elect Vikram Saxena as Vice Chair of the Planning Commission and seconded by Moore. The motion carried 3-2-0 (Takahashi, Fung voting no)

Election to Economic Development Committee:

Moved by Wang to elect Takahashi as the representative. Seconded by Fung. Motion carried 5-0-0. Moved by Takahashi to elect Fung as the alternate. Seconded by Moore.

Motion carried 5-0-0.

Election to the Design Review Committee:

Vice Chair Saxena to serve as Chair. Moved by Takahashi to elect Fung to represent and Moore (as alternate). Seconded by Saxena. Motion carried 5-0-0.

Election to the Environmental Review Committee:

Moved by Takahashi to recommend Kitty Moore be approved by the City Council to the Environmental Review Committee and for Wang (as alternate). Seconded by Saxena. The motion carried 5-0-0

Election to the Housing Commission:

Moved by Moore to elect Takahashi as the representative. Seconded by Wang. The motion carried 5-0-0. Moved by Takahashi to elect Fung as the alternate. Seconded by Saxena. The motion carried 5-0-0

### **POSTPONEMENTS/REMOVAL FROM CALENDAR:**

*Item #4 – Municipal Code Amendments to the Cupertino Municipal Code to clarify 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 size of Accessory Dwelling Units (Chapter 19.112 – Accessory Dwelling Units), for clarifications, and consistency, has been postponed to the February 26, 2019 meeting.*

### **ORAL COMMUNICATIONS:**

Jennifer Griffin thanked the Commissioners for their service to the City.

Richard Mehlinger voiced concerns about the appointment of Kitty Moore to the Planning Commission.

Heather Dean spoke against her perceived division in the City and asked the Commissioners to help fix the divide and make unbiased decisions.

Marianne Sholvin spoke about the conflicts of interest in the City, exposing the City of lawsuits and financial liabilities. She asked that the Commissioners make decisions mindful of that.

Lisa Warren asked the Commissioners not to scold each other, rather to work together. She thanked them for their efforts to heal the divide in the community.

Parth Bharwad asked that the Commission not spread the ideology that persons living in BMR units or affordable housing are bad persons. He asked that the Commissioners keep Ms. Moore's opinions in this regard inline and asked her to respect all persons.

Mark Mollineaux commented on the role of planning. He felt that the primary job of cities is to plan for growth and be welcoming to it rather than be exclusionary.

### **WRITTEN COMMUNICATIONS:**

Four emails were received voicing opposition to Kitty Moore's appointment to the Planning Commission. One email was received regarding item #3.

### **CONSENT CALENDAR:** None

## **PUBLIC HEARINGS:**

**3. Subject:** Appeal of the Administrative Hearing' Officer's decision to approve a Front Yard Interpretation to consider designating the street side property line (Bette Avenue) as the front lot line to allow for a 198 square foot addition to the first floor and a Two Story Permit to consider allowing a 980 square foot second floor to an existing single story residence. Application No(s): R-2018-20, INT-2018-01; Appellant(s): Elisa Herberg; Applicant(s): Clayton Johnson (Lau residence); Location: 10380 Perimeter Rd. APN #316-20-092

**Recommended Action:** That the Planning Commission uphold the decision of the Administrative Hearing Officer and deny the appeal per the draft resolutions

Associate Planner, Gian Martire, reviewed the Staff Report and answered questions from the Commissioners. The Appellants presented to the Commission. Questions were asked and answered. The Applicants addressed the Commission. They asked and answered questions.

Chair Wang opened the public comment period and the following individual(s) spoke:

Daniel So

Bill Ogden

Jennifer Griffin

Chair Wang closed the public comment period.

The Planning Commission discussed various aspects of the project, including setbacks, privacy tree planting and second story windows.

Moved by Com. Fung, second by Takahashi, and carried 5-0-0 to deny the appeal and uphold the decision of the Administrative Hearing Officer.

The R-2018-20 draft resolution will be revised to reflect that the south facing, second story windows will be opaque glass.

**4. Subject:** Municipal Code Amendments to the Cupertino Municipal Code to clarify 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 size of Accessory Dwelling Units (Chapter 19.112 – Accessory Dwelling Units), for clarifications, and consistency

**Recommended Action:** Postponed to the February 26, 2019 meeting

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**REPORT OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:** None

**REPORT OF THE PLANNING COMMISSION:**

Commissioner Fung reported back to the Commission about items from the Mayor's Monthly Meeting. He also attended an event to set a Guinness Book of World Record – running a 5K while solving a Rubik's cube puzzle. Commissioner Moore attended the Foothill/De Anza College Board of Trustees meeting. They announced the closure of the Flint Center at the end of June. She also attended the Parks and Recreation Commission meeting to hear about the Parks' Master Plan. She encouraged people to provide input about the Plan.

**ADJOURNMENT:**

The meeting was adjourned at 9:15pm to the next regular Planning Commission meeting on February 26, 2019 at 6:45 p.m.

Respectfully Submitted:

/s/Beth Ebben  
Beth Ebben, Deputy Board Clerk