

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, CA 95014

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

PLEDGE OF ALLEGIANCE

At 6:45 p.m Chairperson Wang 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 R Wang, Vice Chair Vikram Saxena, Commissioners Kitty Moore, David Fung. Absent: Alan Takahashi

APPROVAL OF MINUTES:

1. **Subject:** Draft Minutes of October 28, 2019.

Recommended Action: Approve or modify the Draft Minutes of October 28, 2019

Moved by Saxena and seconded by Wang to: "Approve the minutes". The motion carried 3-0-2 (Fung abstain, Takahashi absent)

POSTPONEMENTS/REMOVAL FROM CALENDAR: None

The Chair re-ordered the hearing order of the agenda items to #4, #5, #2, #3 and #6.

ORAL COMMUNICATIONS:

Genevieve Kolar, Student Representative on the Foothill-De Anza Board of Trustees, spoke about the housing needs of college students.

Ian Greensides shared his concerns about Chair Wang continued service on the Commission.

Jennifer Griffin spoke about the housing bills being proposed by the State.

Lisa Warren spoke about financing for student housing needs, the Flint Center replacement project meeting she attended, and mentioned the article about trees in the Cupertino Scene.

WRITTEN COMMUNICATIONS:

An email was received regarding item #4. At the meeting, notes were received regarding item #2.

CONSENT CALENDAR: None

STUDY SESSION

2. **Subject:** Study Session regarding amendments being proposed to City Standards for parkland dedication and fees (Chapter 1308 – Park Land Dedication Fee, Chapter 14.05 – Park Maintenance Fee, and Chapter 18.24 – Dedications and Reservations) and the Certified General Plan Amendment, Housing Element Update and Associated Rezoning Draft EIR

Recommended Action: Provide any input to Staff regarding the proposed amendments

Commissioner Moore recused herself.

Assistant Public Works Director/City Engineer, Chad Mosley, reviewed the Staff Report and answered questions from the Commissioners. The Commissioners were concerned about the fees being cost prohibitive to development.

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

Lisa Warren

Peggy Griffin

Jennifer Griffin

Chair Wang closed the public comment period.

The fee calculation methodology was discussed at length. The Planning Commissioners recommended further study to ensure that fees are adequate to provide necessary open space while not disincentivizing housing development.

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: Provide additional direction on the format and content of the General Plan Review/Implementation Plan; and consider General plan Policies that could benefit from clarification.

The Planning Commissioners opted to postpone this item to a future meeting.

PUBLIC HEARINGS

4. **Subject:** Appeal of the Director's approval of a Residential 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' 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.

Associate Planner, Erika Poveda, reviewed the Staff Report and project details. She was asked and answered questions by the Commissioners. The Appellant and Applicants also addressed the Commissioners and answered questions.

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

Lisa Warren

Tai-Tsong Wang

Hitesh Merchant
Peggy Griffin
Jennifer Griffin
Peter Wong

Chair Wang closed the public comment period.

The Planning Commissioners discussed the merits of the proposed project. They agreed that there needed to be better communication between the applicant and the neighbors. The Commissioners asked that Staff consider updating the Approved Tree list and refining the standards for Minor Residential Permits relating to second story balconies. The appeal was denied and the Director's approval upheld with modifications to Condition of Approval #10 as follows; privacy protection shall include alternative plantings and a balcony side of at least 48", comprised of materials that provide sufficient privacy screening.

Moved by Chair Wang, second by Com. Moore, the motioned carried 4-0-1 (Takahashi absent)

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 2023-2034) for consistency with the City's General Plan.

Recommended Action: Conduct the public hearing and find: 1) that the revised program is exempt from CEQA; and 2) that the program is consistent with the City's General Plan.

Capital Improvements Manager, Michael Zimmermann and Director of Public Works, Roger Lee, reviewed the Staff Report and project details. They were asked and answered questions by the Commissioners.

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

Peggy Griffin
Lisa Warren

Chair Wang closed the public comment period.

The Commission brought up the continued inequity of parkland space in the City. The Commissioners agreed that the CIP was overall in conformity with the General Plan. However, in regards to Policy RPC-2.3, there continues to be a deficiency in parkland space in parts of the City. The Commissioners made a change to the Draft Resolution, finding #3: The Planning Commission notes that these projects add parkland to the westside of the City, which is identified as a low priority for park acquisition pursuant to General Plan Policy RPC-2.3, nevertheless, the Commission finds in accordance with the City's Municipal Code based on the evidence in the records, that these projects are in conformance with the City's General Plan.

Moved by Com. Moore, second by Chair Wang, the motioned carried 4-0-1 (Takahashi absent)

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

Commissioner Moore recused herself.

Planning Manager, Piu Ghosh, reviewed the Staff Report and provided background information for the Commissioners. She was asked and answered questions.

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

Peggy Griffin

Jennifer Griffin

Chair Wang closed the public comment period.

The Planning Commissioners asked clarifying questions and Staff clarified that the proposed changes to the P Zones standards will not impact development since the amendments continue to allow applicants the option to pursue the current process in which the City processes development applications.

Moved by Com. Saxena, second by Chair Wang, the motioned carried 3-0-2 (Moore recused, Takahashi absent)

OLD BUSINESS

None

NEW BUSINESS

None

REPORT OF THE DIRECTOR OF COMMUNITY DEVELOPMENT: None

REPORT OF THE PLANNING COMMISSION:

Commissioners Moore, Fung, and Chair Wang mentioned the various meetings and events they have attended.

ADJOURNMENT:

The meeting was adjourned at 11:05pm to the next regular Planning Commission meeting on November 26, 2019 at 6:45 p.m.

Respectfully Submitted:

/s/Beth Ebben

Beth Ebben, Deputy Board Clerk